Pages 16963–17026

FEDERAL REGISTER

VOLUME 29 NUMBER 241

Washington, Friday, December 11, 1964

Contents

(*Continued on next page*)

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.

7 CFR

15 (2 documents) 16966
916 16966
1004 16966

PROPOSED RULES:

912 16993
917 16993
1004 16994

13 CFR

107 16967

14 CFR

39 [New] 16967
42 16968
71 [New] (9 documents) 16969–16972
73 [New] (2 documents) 16972
302 16972

PROPOSED RULES:

71 [New] (4 documents) 16994, 16995, 16997

15 CFR

7 16973

17 CFR

230 16982
240 16982
260 16982
270 16982
275 16982

18 CFR

PROPOSED RULES:

12 16997

21 CFR

8 16983
9 16983
42 16983
144 16984
148c 16984

PROPOSED RULES:

45 16994
121 16994

26 CFR

PROPOSED RULES:

48 16993

27 CFR

4 16984

32 CFR

536 16985

32A CFR

OIA (Ch. X):

OI Reg. 1 16986

43 CFR

PUBLIC LAND ORDERS:

3510 16987
3511 16987
3512 16987

45 CFR

80 16988

47 CFR

73 16988

50 CFR

257 16990

FEDERAL REGISTER

Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements are listed in the first FEDERAL REGISTER issue of each month.

Rules and Regulations

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 15—NONDISCRIMINATION

EDITORIAL NOTE: In Federal Register Document 64–12534, published at page 16274 in the issue of Friday, December 4, 1964, the following changes are made:

1. The heading for Part 15 is changed to read as set forth above.

2. A headnote is inserted immediately preceding § 15.1, reading as follows:

Subpart A—Nondiscrimination in Federally-Assisted Programs of the Department of Agriculture—Effectuation of Title VI of the Civil Rights Act of 1964

PART 15—NONDISCRIMINATION

Subpart B—Nondiscrimination—Direct USDA Programs and Activities

Subpart B is added to Part 15 of Title 7, reading as follows:

Subpart B—Nondiscrimination—Direct USDA Programs and Activities

Sec.
15.50 Applicability.
15.51 Discrimination prohibited.

AUTHORITY: The provisions of this Subpart B of Part 15 issued under sec. 602, 78 Stat. 252.

§ 15.50 Applicability.

The regulations in this subpart complement Subpart A of this part and cover those programs and activities of the Department not subject thereto in which the Department or any agency thereof makes available any benefit directly to persons under such programs and activities.

§ 15.51 Discrimination prohibited.

(a) No agency, officer, or employee of the United States Department of Agriculture, shall exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States on the ground of race, color, creed, or national origin under any program or activity administered by such agency, officer, or employee.

(b) No agency, officer, or employee of the Department shall on the ground of race, color, creed, or national origin deny to any person in the United States (1) equal access to buildings, facilities, structures, or lands under the control of any agency of this Department or (2) under any program or activity of the Department, equal opportunity for employment, for participation in meetings, demonstrations, training activities or programs, fairs, awards, field days, encampments, for receipt of information disseminated by publication, news, radio, and other media, for obtaining contracts, grants, loans, or other financial assistance or for selection to assist in the administration of programs or activities of this Department.

Done at Washington, D.C., this 7th day of December 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64–12713; Filed, Dec. 10, 1964; 8:47 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 916—NECTARINES GROWN IN CALIFORNIA

Determination Relative to Expenses and Fixing of Rate of Assessment for 1964–65 Fiscal Period and Carryover of Unexpended Funds

Pursuant to the marketing agreement and Order No. 916 (7 CFR Part 916) regulating the handling of nectarines grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), upon the basis of the proposals submitted by the Nectarine Administrative Committee (established pursuant to the marketing agreement and order), it is hereby found and determined that the expenses of said committee will amount to $165,000.

It is, therefore ordered, That paragraph (a) of § 916.203 *Expenses and rate of assessment for the 1964–65 fiscal period and carryover of unexpended funds* (29 F.R. 7590) is hereby amended by deleting therefrom the amount $157,670 and substituting in lieu thereof the amount $165,000. As amended paragraph (a) of § 916.203 reads as follows:

§ 916.203 Expenses and rate of assessment for 1964–65 fiscal period and carryover of unexpended funds.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Nectarine Administrative Committee, established pursuant to the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning March 1, 1964, and ending February 28, 1965, will amount to $165,000.

* * * * *

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendatory order until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) the increase in the budget set forth does not involve an increase in the rate of assessment heretofore established by the Secretary (29 F.R. 7590); (2) the said committee in the performance of its duties and functions has incurred expenses in excess of those previously thought likely to be incurred; and (3) it is, therefore, essential that this amendatory action be issued immediately so that said committee can meet its obligations.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 7, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–12715; Filed, Dec. 10, 1964; 8:47 a.m.]

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 4]

PART 1004—MILK IN DELAWARE VALLEY MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Delaware Valley marketing area (7 CFR Part 1004), it is hereby found and determined that:

(a) The following provisions of the order do not tend to effectuate the declared policy of the Act for the month of December 1964;

(1) Section 1004.22(j)(2), the provision "The 15th day of".

(2) Section 1004.22(j)(5), the provision "The 15th day of".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension action removes, for the month of December, the requirement that the market administrator announce on the 15th day of the month the Class I price for the forthcoming quarter. The Department now has under consideration a request for suspension of certain provisions in the supply-demand adjustment mechanism of the Class I pricing formula to prevent a 20-cent Class I price increase for the January–March quarter which would otherwise result from action of the supply-

demand adjustor. Because there is insufficient time prior to December 15 to complete the administrative processes required to consummate the requested action and no useful purpose would be served by announcement of a price which might subsequently be modified, more orderly marketing will be assured by deferment of the price announcement until a decision on the requested suspension has been rendered.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period from the effective date hereof through December 31, 1964.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 8, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64–12765; Filed, Dec. 10, 1964; 8:50 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 11 (Rev. 2)]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Miscellaneous Amendments

Correction

In F.R. Doc. 64–12626, appearing at page 16825 of the issue of Tuesday, December 8, 1964, a portion of the document was published out of order. The introductory paragraphs and Item 1 should read as set forth below:

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85–699, 72 Stat. 694, as amended, there is amended, as set forth below, Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, as revised in 27 F.R. 9743–9754, and amended in 28 F.R. 681, 1627, 3021, 10868, 12250, and 29 F.R. 5223, 7144, 10499, 12109, and 29 F.R. 14221, by amending §§ 107.704 and 107.713 and adding a new § 107.650.

Information and effective date. On October 17, 1964, notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 14369) concerning (1) the amendment of §§ 107.704 and 107.713 to authorize two or more Licensees whose paid-in capital and paid-in surplus (excluding organizational expenses) do not in the aggregate exceed $800,000 to employ, with prior SBA approval, common general managers, and (2) the addition of a new § 107.650 dealing with commitments.

After due and careful consideration of the comments and expression of views received with respect to these proposals, the Administration has determined to adopt the formal amendments, set forth below, as being in furtherance of the best interest of the SBIC program.

The revision of §§ 107.704 and 107.713, as finalized in the formal amendments published herewith, incorporates the text of the proposal published on October 17, 1964, with regard to employment of common general managers, except for the following changes: (1) The first sentence of subdivision (ii) of § 107.704(c)(5), which would have restricted applicability of the amendment to two or more Licensees "having paid-in capital and paid-in surplus from private sources aggregating not more than $800,000 (exclusive of organization expense)", has been revised so that the reference to aggregate capitalization has been deleted and, in lieu thereof, a new second sentence has been added: "The aggregate paid-in capital and paid-in surplus from private sources of such Licensees shall not exceed $800,000, unless it is demonstrated to the satisfaction of SBA that a greater amount will better serve the interests of the SBIC program"; and (2) the statement in subdivision (ii) that an individual serving as common manager shall be deemed an officer of each Licensee "for the purposes of these Regulations" has been revised to read, "for all purposes of SBA Regulations".

In several instances, textual changes were necessarily made in proposed § 107.650 and were incorporated as part of the formal amendment, set forth below, regulating commitments; for example, the words "in accordance with the conditions of the commitment" have been added to paragraph (b) of § 107.650 immediately following the phrase "* * * disbursement of the whole or any part thereof to be made on the request of such concern." Paragraph (c) dealing with stock options and warrants issued by a small concern to a Licensee entering into a commitment to provide it with financing, has been revised so that the Licensee's privilege of acquiring options or warrants up to 25 percent of the undisbursed portion of the commitment-obligation is no longer limited to 5-year commitments: "Where a Licensee enters into a commitment to provide financing to a small business concern, and the financing agreement calls for the issuance of stock options or warrants, it shall be lawful for the Licensee to acquire such stock options or warrants on or after the date of the commitment (1) up to the full amount of any funds disbursed and (2) up to 25 percent of the undisbursed portion of any commitment obligation. Such 25 percent amount shall, for the purposes of § 107.501(k), be deemed to constitute equity capital provided by the Licensee."

Because of the necessity of promptly applying these amendments to the program authorized under the Small Business Investment Act of 1958, they shall become effective upon publication in the FEDERAL REGISTER.

The Regulations Governing Small Business Investment Companies are hereby amended as follows:

1. By deleting paragraph (c)(5) of § 107.704, *Activities of Licensee,* in its entirety, and substituting a new paragraph (c)(5). As amended, § 107.704 (c)(5) reads as follows:

§ 107.704 Activities of Licensee.

* * * * *

(c) * * *

(5) Without the prior written consent of SBA, a Licensee shall not have an officer or a director who at the same time is either an officer or director of any other Licensee, nor shall 10 or more percent of the stock of any Licensee be owned or controlled, directly or indirectly, by an officer or director of, or by any party owning or controlling, directly or indirectly, 10 or more percent of the stock of another Licensee, with the following exceptions:

(i) *Attorneys.* An attorney performing legal services for Licensees may serve as secretary or clerk for more than one Licensee; and

(ii) *Common Managers.* Subject to prior SBA approval, two or more Licensees, may employ an individual or a non-Licensee concern to serve as their common general manager. The aggregate paid-in capital and paid-in surplus from private sources of such Licensees shall not exceed $800,000, unless it is demonstrated to the satisfaction of SBA that a greater amount will better serve the interests of the SBIC program. An individual serving as manager shall be deemed an officer of each Licensee for all purposes of SBA Regulations. Notwithstanding the provisions of § 107.708 (b), at least 50 percent of the total amount of joint financing participated in by Licensees under common management during any fiscal year shall consist of loans or equity investments of $150,000 or less.

The proposed employment agreement submitted for SBA approval shall set forth relevant particulars pertaining to the identity and qualifications of the manager, the basis of compensation, effective period of employment, and such other factors bearing on the transaction as may assist SBA in determining whether approval would be consonant with the purposes of the Act. The agreement shall include adequate provision requiring the manager to refer each potential loan or investment to all Licensees of the group and afford them equal opportunity to participate in or otherwise provide the necessary financing.

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6370; Amdt. 39–12]

PART 39—AIRWORTHINESS DIRECTIVES [NEW]

Hughes Models 269A, 269A–1 and 269B Helicopters

There has been an instance in which a main rotor blade separated in flight on a Hughes Model 269A helicopter. Investigation indicates that failure was attributable to excessive flapwise bending

caused by a binding or jammed flapping hinge bearing due to inadequate lubrication. To correct this condition, an airworthiness directive is being issued to require inspection of the main rotor blade flapping hinge bearings and replacement of any found worn or damaged, and to specify new lubricating procedures.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 [New] (14 CFR Part 39 [New]), is hereby amended by adding the following new airworthiness directive:

HUGHES. Applies to Models 269A, 269A–1 and 269B helicopters.

Compliance required as indicated.

Due to inadequate lubrication of the main rotor blade flapping hinge bearings, binding has occurred, resulting in overstressing and failure of one main rotor blade. To prevent main rotor blade overstressing and failure, accomplish the following:

(a) For helicopters having less than 100 hours' time in service on the effective date of this AD inspect the main rotor blade flapping hinge bearings for the condition indicated in paragraph (d), prior to the accumulation of 110 hours' time in service, unless already accomplished, and thereafter at periods not to exceed 400 hours' time in service from the last inspection.

(b) For helicopters having 100 hours' or more time in service on the effective date of this AD inspect the main rotor blade flapping hinge bearings for the condition indicated in paragraph (d), within the next 10 hours' time in service, unless already accomplished within the last 390 hours' time in service, and thereafter at periods not to exceed 400 hours' time in service from the last inspection.

(c) Within 10 hours' time in service, after the effective date of this AD, unless already accomplished within the last 15 hours' time in service, and thereafter at periods not to exceed 25 hours' time in service, apply MIL–G–25537 grease through the grease fittings to all main rotor blade flapping hinge bearings and inspect to ascertain that a thorough purging of the bearings has been achieved. If new grease does not exude from all six bearings, inspect the bearings at the location where the grease does not exude, for the condition indicated in paragraph (d), before further flight.

(d) If bearings are found to be worn or damaged in excess of the limits specified in Hughes Service Information Notice No. 2A–39.1, 2A–1–06.1 or 2B–07.1, remove from service before further flight.

(e) If the inner race of any bearing is found to be brinelled or worn in excess of the 0.002 inch limit specified in Hughes Service Information Notice No. 2A–39.1, 2A–1–06.1 or 2B–07.1, remove the corresponding main rotor blade from service before further flight, and conspicuously mark it to prevent inadvertent return to service.

(f) If the inner race of any bearing is brinelled or worn, but not in excess of the 0.002 inch limit specified in Hughes Service Information Notice Nos. 2A–39.1, 2A–106.1 or 2B–07.1, inspect the corresponding main rotor blade for skin cracks in the exposed areas adjacent to the edges of the blade root fitting beside the outboard bolt. Inspect both upper and lower surfaces of the blade, using a 4- to 6-power magnifying glass. If any cracks are found remove the blade from service before further flight.

(g) Starting with the effective date of this AD, conduct initial and repetitive inspections of all main rotor blades in a manner and at periods specified in Hughes Service Information Notices No. 2A–38 dated September 9, 1964, No. 2A–1–05 dated September 14, 1964, and No. 2B–06 dated September 16, 1964, or later revisions approved by FAA Western Region Aircraft Engineering Division.

(Hughes Service Information Notices Nos. 2A–38, 2A–39.1, 2A–1–05, 2A–1–06.1, 2B–06 and 2B–07.1, cover this subject.)

This amendment shall become effective December 11, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 4, 1964.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64–12675; Filed, Dec. 10, 1964; 8:48 a.m.]

[Reg. Docket No. 4028; Amdt. 42–14]

PART 42—AIRCRAFT CERTIFICATION AND OPERATION RULES FOR SUPPLEMENTAL AIR CARRIERS, COMMERCIAL OPERATORS USING LARGE AIRCRAFT, AND CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN CHARTER FLIGHTS OR OTHER SPECIAL SERVICES

Flight Time Limitations; Flight Crew of Three or More Pilots and Additional Airmen, as Required

The purpose of this amendment to Part 42 of the Civil Air Regulations is to extend the duty-time limitations and ground-rest requirements of § 42.322(c) to certificated route air carriers while operating under the rules of Part 42.

Amendment 42–4 (29 F.R. 2998) added to § 42.322 specific ground-rest periods and duty-time limitations for flight crews of three or more pilots and additional airmen, as required, of supplemental air carriers and commercial operators certificated under Part 42. These requirements include: a duty-time limitation of 30 continuous hours for each flight crewmember (under the rule a flight crewmember is considered as being on continuous duty from the time he reports for duty until such time as he is released from duty for a period of rest of 10 or more consecutive hours on the ground); a 16-hour ground rest period when the flight crewmember has been on continuous duty in excess of 24 hours, whether scheduled or not; and, if a crewmember is required to engage in "deadhead" transportation in excess of 4 hours before commencing flight duty, one-half of the time spent in "deadhead" transportation must be treated as duty time for the purpose of determining compliance with the prescribed duty-time limitations, unless the flight crewmember is given not less than 10 consecutive hours of ground rest before being assigned to flight duty. These requirements are considered by the Agency to be the minimum necessary for safety in the kind of operations for which they are designed, and still to give each operator a reasonable flexibility in the utilization of flight crewmembers. However, they are not applicable to certificated route air carriers in the conduct of off-route charter flights or special services under the operating rules of Part 42. Since the certificated route air carriers are subject to the same problems of crew scheduling and safety in the conduct of those operations, the Agency proposed in Notice 64–13 (29 F.R. 3012) also to make the same ground-rest and duty-time limitations prescribed by Amendment 42–4 applicable to certificated route air carriers when operating under Part 42.

Several comments were received in response to the notice. All but one were in favor of the proposal set forth therein.

The Air Transport Association (ATA) objected to the proposed amendment. ATA asserts that if the sole justification for the proposed duty-time limitations and the associated ground-rest requirements is, as stated in the preamble, "to preclude operations (by certificated route) carriers which could result in flight crewmembers performing their duties in an overly fatigued condition," the airlines feel that the proposed duty-time and ground-rest requirements are unnecessary and have not been justified with regard to them since it is their practice under their labor-management agreements to be at least as restrictive and, in some cases, more restrictive than the proposal. It is to be noted that the Association does not assert that the proposed duty-time limitations and ground-rest requirements are not required in the interests of safety, or that less stringent requirements could be safely permitted, but only that the Agency has not justified the prescription of such requirements for certificated route carriers because the scheduling practices of these carriers already meet or better these requirements. The Agency cannot agree with this position, since it cannot rely on labor-management agreements to effectuate its statutory safety regulations responsibility and, in any event, has no way of enforcing the provisions of these agreements.

ATA also commented on the "deadhead" transportation aspect of the proposed amendment (§ 42.322(c)(3)) stating that it does not take into consideration the fact that, in many cases, flight crewmembers have such ample off-duty time that they engage in business, social, avocational and other activities that are not conducive to rest during required rest periods. To prevent such activities the ATA recommends that the Agency adopt a rule that places the responsibility for off-duty rest on the flight crewmember himself, and that requires him not to engage in activities that prevent him from reporting to duty fully rested. A discussion of the merits of this comment would serve no useful purpose at this time since action thereon would not be within the limited scope of Notice 64–13. However, it will be considered within the framework of Notice 63–34, referred to below.

Finally, the ATA suggests that any changes in the "duty time—flight time limitations" applicable to the operations of scheduled air carriers should await completion of the Agency's overall study of the flight-time limitation regulations now being conducted, and as announced in Notice 63–34 (28 F.R. 9674), stating that interim measures will only cause confusion in the regulations. As stated in Notice 64–13, the adoption of these amendments cannot be delayed and must be accomplished in the interim, prior to the overall review of all flight-time rules announced in Notice 63–34, and completion of any final regulatory action based thereon. The addition of the daily duty-time concept is not alien to Part 42 and is appropriate to the types of operation to which § 42.322(c) will be applicable as a result of this amendment. Moreover, the Agency feels that, if anything, the amendment will minimize confusion since it will eliminate the unjustifiable situation of operations that are identical in all pertinent respects being conducted according to different rules.

The Flight Engineers International Association (FEIA) endorsed the proposed amendment, but raised the question as to why a similar crew operating under Part 41 should not be subject to duty-time limitations and required rest periods. While this comment is relevant, action on it would also be outside the limited scope of Notice 64–13. However, it will be considered in the overall review of the flight-time limitations announced in Notice 63–34.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matters presented.

In consideration of the foregoing, § 42.322(c)(1) of Part 42 of Chapter I, Title 14 of the Code of Federal Regulations is amended, effective January 25, 1965, by deleting the word "certificated" from the first sentence thereof and inserting in lieu thereof the word "operating".

(Secs. 313(a), 601, 604, and 607, Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1424, and 1427))

Issued in Washington, D.C., on December 3, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64–12676; Filed, Dec. 10, 1964; 8:45 a.m.]

[Airspace Docket No. 64–SO–39]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zones and Transition Area and Designation of Transition Areas

On October 30, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 14794) stating that the Federal Aviation Agency proposed to alter the existing control zones and designate transition areas for Columbia Airport, North AF Auxiliary Field, McEntire ANGB, and Shaw AFB, South Carolina.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

A portion of the proposed Columbia, S.C., transition area including that airspace extending from 7000 feet above mean sea level within 5 miles each side of the Shaw AFB TACAN 008° radial extending from the N boundary of the 1200-foot transition area to 60 miles N of the TACAN was proposed in order to provide protection to aircraft executing standard instrument departure procedures (SIDs) from Shaw AFB. Subsequent to the issuance of the notice of proposed rule making it was revealed that the SIDs requiring this airspace had been canceled and there was no requirement for this portion of the transition area.

Since the deletion of this portion of the transition area imposes no additional burden on any person, an amended notice is unnecessary.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 4, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1101) the Columbia, S.C., control zone is amended to read:

Columbia, S.C.

Within a 5-mile radius of the Columbia Airport (latitude 33°56'26" N., longitude 81°07'13" W.), within 2 miles each side of the Columbia VORTAC 329° radial extending from the 5-mile radius zone to one mile NW of the VORTAC and within 2 miles each side of the Columbia ILS localizer W course extending from the 5-mile radius zone to one half mile E of the OM.

2. In § 71.171 (29 F.R. 1101) the North, S.C., control zone is amended to read:

North, S.C.

Within a 5-mile radius of North AFAF (latitude 33°36'30" N., longitude 81°05'00" W.) and within 2 miles each side of the North AFAF TACAN 234° radial extending from the 5-mile radius zone to 8 miles SW of the TACAN. This control zone shall be effective only during specific dates and times established 30 days in advance by a Notice to Airmen and continuously published in the Airman's Guide.

3. In § 71.171 (29 F.R. 1101) the Eastover, S.C., control zone is amended to read:

Eastover, S.C.

Within a 5-mile radius of McEntire ANGB (latitude 33°55'26" N., longitude 80°48'14" W.) and within 2 miles each side of the McEntire VOR 139° radial extending from the 5-mile radius zone to 10.5 miles SE of the VOR.

4. In § 71.171 (29 F.R. 1101) the Sumter, S.C., control zone is amended to read:

Sumter, S.C.

Within a 5-mile radius of Shaw AFB (latitude 33°58'15" N., longitude 80°28'19" W.), within 2 miles each side of the Shaw VOR 010° and 235° radials extending from the 5-mile radius zone to 12 miles N and 10.5 miles SW of the VOR and within 2 miles each side of the Shaw TACAN 033° and 213° radials extending from the 5-mile radius zone to 8 miles N and 13 miles S of the TACAN. The portion within R–6002 shall be used only after obtaining approval from appropriate authority.

5. In § 71.181 (29 F.R. 1160) the Columbia, S.C., transition area is amended to read:

Columbia, S.C.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Columbia Airport (latitude 33°56'26" N., longitude 81°07'13" W.) and within 5 miles N and 8 miles S of the Columbia ILS localizer W course extending from the 9-mile radius area to 12 miles W of the OM; that airspace extending upward from 1200 feet above the surface bounded by a line beginning at the point of intersection of a 60-mile arc centered on Shaw AFB (latitude 33°58'15" N., longitude 80°28'19" W.) and the W boundary of V–155, extending clockwise along this arc to the W boundary of V–3, thence S along the W boundary of V–3 and W along the N boundary of V–18S to the W boundary of V–37, thence to latitude 33°08'45" N., longitude 81°22'40" W., thence counterclockwise along the boundary of R–6004 to latitude 33°23'25" N., longitude 81°37'00" W., thence N to latitude 33°46'00" N., longitude 81°37'00" W., thence to the intersection of the N boundary of V–155 and longitude 81°41'30" W., thence NE along the N boundary of V–155 to its intersection with a line 10 miles SW and parallel to the centerline of V–53, thence NW along this line to its intersection with latitude 34°15'30" N., thence NE to latitude 34°30'00" N., longitude 81°02'00" W., thence NE to point of beginning. The portion within R–6001 and 6002 shall be used only after obtaining approval from appropriate authority.

6. In § 71.181 (29 F.R. 1160) the following transition area is added:

North, S.C.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of North AFAF (latitude 33°36'30" N., longitude 81°05'00" W.). This transition area shall be effective only during the specific dates and times established at least 30 days in advance by a Notice to Airmen and continuously published thereafter in the Airman's Guide.

7. In § 71.181 (29 F.R. 1160) the following transition area is added:

Sumter, S.C.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Shaw AFB (latitude 33°58'15" N., longitude 80°28'19" W.), within 5 miles SE and 8 miles NW of the Shaw VOR 234° radial extending from the Shaw 7-mile radius area to 12 miles SW of the VOR, within 2 miles each side of the Shaw ILS localizer SW course extending from the Shaw 7-mile radius area to 12 miles SW of the Shaw OM; within an 8-mile radius area of McEntire ANGB (latitude 32°55'26" N., longitude 80°48'14" W.), within 5 miles NE and 8 miles SW of the McEntire VOR 139° radial extending from the McEntire 8-mile radius area to 12 miles SE of the VOR; and within a 5-mile radius of Sumter Airport (latitude 33°59'39" N., longitude 80°21'45" W.). The portion within R–6001 and R–6002 shall be used only after obtaining approval from appropriate authority.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)))

Issued in East Point, Ga., on December 3, 1964.

PAUL H. BOATMAN,
Acting Director, Southern Region.

[F.R. Doc. 64–12678; Filed, Dec. 10, 1964; 8:45 a.m.]

[Airspace Docket No. 64-CE-43]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Control Zone and Alteration of Transition Area

On September 22, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13143) stating that the Federal Aviation Agency proposed to designate a control zone and to alter the transition area at Liberal, Kansas.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

Since the date of the publication of the above-referred-to Notice, further evaluation of the runway course alignment by the Federal Aviation Agency has disclosed that revision of the Special TVOR approach procedure to Runway 17L is necessary. The final approach radial for this procedure is changed from the 022° radial of the Liberal VOR to the 025° radial of the Liberal VOR. Therefore, the description of the Liberal, Kansas, control zone requires revision so that it refers to the 025° radial rather than the 022° radial. Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedures hereon are unnecessary and this amendment may be made effective in the final rule.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 4, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1101), the following is added:

Liberal, Kans.

Within a 5-mile radius of Liberal Municipal Airport (latitude 37°02'30" N., longitude 100°57'30" W.), and within 2 miles each side of the 328°, 025°, and 153° radials of the Liberal VOR extending from the 5-mile radius zone to a point 8 miles NW, N and SE, from the VOR; and within 2 miles each side of the 201° bearing from the airport extending from the 5-mile radius zone to a point 8 miles S of the airport, from 0700 to 2300 hours, local time daily.

2. In § 71.181 (29 F.R. 1160) the Liberal, Kans., transition area is amended to read:

Liberal, Kans.

That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Liberal Municipal Airport.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued at Kansas City, Mo., on November 27, 1964.

HENRY L. NEWMAN,
Acting Director, Central Region.

[F.R. Doc. 64-12677; Filed, Dec. 10, 1964; 8:45 a.m.]

[Airspace Docket No. 63-SO-61]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Designation of Transition Area

On October 23, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 14548) stating that the Federal Aviation Agency proposed to alter the control zone and designate a transition area at Florence, South Carolina.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. An objection was received and later withdrawn.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 4, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1101) the following control zone is amended to read:

Florence, S.C.

Within a 5-mile radius of the Florence, S.C., Municipal Airport (latitude 34°11'17" N., longitude 79°43'28" W.); within 2 miles each side of the Florence VORTAC 052° and 232° radials extending from the 5-mile radius zone to 8 miles NE of the VORTAC.

2. In § 71.181 (29 F.R. 1160) the following transition area is added:

Florence, S.C.

That airspace extending upward from 1200 feet above the surface within 8 miles NW and 5 miles SE of the Florence, S.C., VORTAC 052° and 232° radials extending from 13 miles NE to 6 miles SW of the VORTAC and within 5 miles each side of the Florence VORTAC 221° radial extending from the VORTAC to 23 miles SW, excluding that portion W of the western boundary of V-3.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a))

Issued in East Point, Ga., on December 3, 1964.

PAUL H. BOATMAN,
Acting Director, Southern Region.

[F.R. Doc. 64-12679; Filed, Dec. 10, 1964; 8:45 a.m.]

[Airspace Docket No. 64-CE-45]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Controlled Airspace

On September 12, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 12880) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the vicinity of Philip, S. Dak. The proposed alteration included rescission of that portion of the Rapid City, S. Dak., control area extension which provides controlled airspace in the Philip, S. Dak., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t. March 4, 1965, as hereinafter set forth.

1. In § 71.165 (29 F.R. 1073) the Rapid City, S. Dak. control area extension is amended to read:

Rapid City, S. Dak.

Within a 55-nmi radius of Ellsworth AFB, Rapid City, S. Dak. (latitude 44°08'40" N., longitude 103°06'10" W.); the airspace SW of Rapid City within 12 miles SE and 8 miles NW of the Rapid City VORTAC 251° radial extending from the 55-nmi radius area to 73 miles SW of the VORTAC.

2. In § 71.181 (29 F.R. 1160) the following transition area is added:

Philip, S. Dak.

That airspace extending upward from 700 feet above the surface within 5 miles N and 8 miles S of the Philip, S. Dak. VOR 102° and 282° radials extending from 14 miles W to 8 miles E of the VOR.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Kansas City, Mo., on November 25, 1964.

HENRY L. NEWMAN,
Acting Director, Central Region.

[F.R. Doc. 64-12680; Filed, Dec. 10, 1964; 8:45 a.m.]

[Airspace Docket No. 64-AL-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Federal Airway Segment, Reporting Point and Alteration of Transition Area

On August 6, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 11383) stating that the Federal Aviation Agency proposed to designate a VOR Federal airway between the Annette Island, Alaska, VOR and the southwest course of the Petersburg, Alaska, radio range, to extend the Annette Island transition area, and to designate the Indian Point, Alaska, intersection as a reporting point.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

The Alaska Coastal-Ellis Airlines suggested a different radial alignment for the proposed transition area extension to provide a more direct route between Annette Island and Sitka, Alaska, than the

one which presently exists via the Red Federal airway No. 1. Such a route presently is being considered by the FAA in a separate airspace docket, 64-AL-5. The transition area extension alignment proposed by the FAA is considered to be the best procedure to facilitate movement of northwest-bound departures from the Annette Island terminal area.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 4, 1965, as hereinafter set forth.

1. In § 71.125 (29 F.R. 1046), V-439 is added as follows:

V-439 Annette Island, Alaska; to INT Annette Island 330° radial and Petersburg, Alaska RR SW course.

2. In § 71.211 (29 F.R. 1228) add:

Indian Point INT: INT Annette Island, Alaska, 330° radial, SW course Petersburg, Alaska, RR.

3. In § 71.213 (29 F.R. 1229) add:

Indian Point INT: INT Annette Island, Alaska, 330° radial, SW course Petersburg, Alaska, RR.

4. In § 71.221 (29 F.R. 1160) the Annette Island, Alaska, transition area is amended by deleting "to the United States/Canadian border," and substituting therefor "to the United States/Canadian border, including that airspace within 5 miles of the Annette Island VOR 315° radial, extending from the VOR to 56 miles NW."

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on December 4, 1964.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-12681; Filed, Dec. 10, 1964; 8:45 a.m.]

[Airspace Docket No. 64-WA-83]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airway Segment

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to alter the portion of VOR Federal airway No. 104 between Massena, N.Y., and Ottawa, Ontario, Canada, that is within the United States.

V-104 is presently designated in part from Ottawa, Ontario, Canada, via the intersection of the Ottawa 082° and the Massena, N.Y., 346° True radials; to Massena. The Canadian Department of Transport has advised this agency that the Ottawa VOR will be relocated to a new site (latitude 45°26'32" N., longitude 75°53'48" W.) on January 28, 1965. Accordingly, the Department of Transport has requested a realignment of the segment of V-104 within the United States via the 330° True radial of the Massena VOR. This realignment would facilitate the movement of air traffic from Massena to Ottawa via the Casselman, Ontario, radio beacon.

Since the segment of V-104 affected hereby is approximately five miles in length, an alteration of the radial by 16 degrees involves a minimum amount of airspace, and consequently the public is not particularly interested in this action. Therefore, the Administrator finds that compliance with the notice and public procedure provisions of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended effective 0001 e.s.t., January 28, 1965, as hereinafter set forth.

In § 71.123 (29 F.R. 1009) V-104 is amended to read:

V-104 From Ottawa, Ont., Canada, via INT Ottawa 095° and Massena, N.Y., 330° radials; Massena to Plattsburgh, N.Y. The portion within Canada is excluded.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on December 3, 1964.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-12682; Filed, Dec. 10, 1964; 8:45 a.m.]

[Airspace Docket No. 64-CE-49]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Transition Area and Revocation of Transition Area

On October 3, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13611) stating that the Federal Aviation Agency proposed to designate a transition area at Helena, Mont., and revoke the transition area at Garrison, Mont.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 4, 1965, as hereinafter set forth.

In § 71.181 (29 F.R. 1160) the following is added:

Helena, Mont.

That airspace extending upward from 700 feet above the surface within 6 miles N and 8 miles S of the Helena VOR 089° and 269° radials extending from 17 miles E to 7 miles W of the VOR; within 6 miles SW and 8 miles NE of the SE course of the Helena RR extending from the RR to 17 miles SE of the RR; and that airspace extending upward from 1,200 feet above the surface within 6 miles S and 9 miles N of the Helena VOR 089° and 272° radials extending from 12 miles E of the VOR to 45 miles W of the VOR and within 6 miles NW and 9 miles SE of the Great Falls, Montana, VOR 222° radial extending from 8 miles NE to 27 miles SW of the INT of the Great Falls VOR 222° and Helena VOR 352° radials.

In § 71.181 (29 F.R. 1160), the Garrison, Mont., transition area is revoked.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued at Kansas City, Mo., on December 1, 1964.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 64-12683; Filed, Dec. 10, 1964; 8:45 a.m.]

[Airspace Docket No. 64-CE-79]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Transition Area

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to modify the Fort Leonard Wood, Mo., transition area.

The Fort Leonard Wood transition area is presently designated as that airspace extending upward from 700 feet above the surface within a 6-mile radius of Forney AAF (latitude 37°44'00" N., longitude 92°09'00" W.), within 8 miles E and 5 miles W of the 148° bearing from the Forney AAF RBN, extending from the RBN to 12 miles SE, within 8 miles W and 5 miles E of the Forney AAF VOR 323° radial extending from the VOR to 12 miles NW; and that airspace extending upward from 1,200 feet above the surface, within 5 miles each side of the following direct radials: Maples, Mo., VOR to Forney AAF VOR; Maples, Mo., VOR to Forney RBN; Vichy, Mo., VORTAC to Forney VOR; Vichy VORTAC to Forney RBN, excluding that portion within the Vichy transition area.

On October 31, 1964, instrument approach procedure AL-5093-VOR-RWY 14 at Fort Leonard Wood was modified by changing the procedure turn from the south side of the 317° magnetic radial of the Forney AAF VOR to the north side of this radial. It is therefore necessary to modify the existing transition area in order to provide protection for aircraft executing instrument approach procedure AL-5093-VOR-RWY 14.

The required alteration of the Fort Leonard Wood transition area is considered to be minor in nature and its impact on the public will be minimal. Military aircraft and civil aircraft, with prior approval of the military, are already utilizing instrument approach procedure AL-5093-VOR-RWY 14. Any delay in making this amendment effective will jeopardize public safety. For this reason, the Administrator finds that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impractical and good cause exists for making the amendment effectively immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth:

In § 71.181 (29 F.R. 1160) the Fort Leonard Wood transition area is amended to read as follows:

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Forney AAF (latitude 37°44'00" N., longitude 92°09'00" W.), within 8 miles NE and 5 miles SW of the 148° bearing from Forney AAF RBN, extending from the RBN to 12 miles SE; within 8 miles NE and 5 miles SW

of the Forney AAF VOR 323° radial, extending from the VOR to 12 miles NW; and that airspace extending upward from 1200 feet above the surface, within 5 miles each side of the following direct radials: Maples, Mo., VOR to Forney AAF VOR; Maples VOR to Forney AAF RBN; Vichy, Mo., VORTAC to Forney AAF VOR; Vichy VORTAC to Forney AAF RBN, excluding that portion within the Vichy transition area.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Kansas City, Mo., on November 30, 1964.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 64-12684; Filed, Dec. 10, 1964; 8:45 a.m.]

[Airspace Docket No. 64-SW-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

PART 73—SPECIAL USE AIRSPACE [NEW]

Miscellaneous Amendments

On November 24, 1964, Federal Register Document 64-11950 was published in the FEDERAL REGISTER (29 F.R. 15719) amending Parts 71 and 73 [New] of the Federal Aviation Regulations. These amendments were to be effective December 10, 1964. However, this effective date does not allow adequate time for charting agencies to update the amended restricted area R-6310 on pertinent charts. Therefore, action is taken herein to amend the effective date in order to allow time for R-6310 to be appropriately displayed on charts. Additionally, action is taken herein to change the altitudes, as expressed in the high altitude structure of R-6310, from the designated number of feet above mean sea level to the appropriate flight levels in order to provide continuity of language.

Since these amendments are partially editorial in nature and since the new effective date will avoid activation of R-6310, as amended, before it appears on appropriate charts, the Administrator has determined that notice and public procedure hereon are unnecessary and contrary to the public interest, and these amendments may be made effective immediately.

In consideration of the foregoing, effective immediately, Federal Register Document 64-11950 is amended as hereinafter set forth.

1. The effective date is changed from 0001 e.s.t., December 10, 1964 to 0001 e.s.t., January 7, 1965.

2. Item 1 is amended by altering the description of the designated altitudes to read as follows:

Designated altitudes

2,000 feet MSL to 14,000 feet MSL from the point of beginning to 1 nmi S.

2,000 feet MSL to 16,000 feet MSL from 1 to 2 nmi S of the point of beginning.

2,000 feet MSL to FL 190 from 2 to 3 nmi S of the point of beginning.

2,000 feet MSL to FL 210 from 3 to 4 nmi S of the point of beginning.

2,000 feet MSL to FL 230 from 4 to 6 nmi S of the point of beginning.

5,000 feet MSL to FL 230 from 6 to 10 nmi S of the point of beginning.

9,000 feet MSL to FL 230 from 10 to 13 nmi S of the point of beginning.

12,000 feet MSL to FL 230 from 13 to 19 nmi S of the point of beginning.

16,000 feet MSL to FL 230 from 19 to 25 nmi S of the point of beginning.

FL 200 to FL 230 from 25 to 30 nmi S of the point of beginning.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on December 2, 1964.

LEE E. WARREN,
Director, Air Traffic Service.

[F.R. Doc. 64-12685; Filed, Dec. 10, 1964; 8:45 a.m.]

[Airspace Docket No. 63-SO-96]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Area

On September 11, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 12847) stating that the Federal Aviation Agency proposed to alter the geographical boundaries and designated altitude of the Huntsville, Ala., Restricted Area R-2104.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 73 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 4, 1965, as hereinafter set forth.

In § 73.21 (29 F.R. 1233), the Huntsville, Ala., Restricted Area R-2104 is amended to read as follows:

1. R-2104A *Huntsville, Ala.*

Boundaries. Beginning at latitude 34°-39'30" N., longitude 86°37'40" W.; to latitude 34°33'58" N., longitude 86°37'50" W.; thence west along the Tennessee River to latitude 34°35'02" N., longitude 86°43'25" W.; to latitude 34°37'19" N., longitude 86°43'20" W.; to latitude 34°37'19" N., longitude 86°43'05" W.; to latitude 34°41'25" N., longitude 86°-42'57" W.; to latitude 34°42'00" N., longitude 86°41'35" W.; to latitude 34°39'30" N., longitude 86°41'10" W.; to the point of beginning.

Designated altitudes. Surface to 30,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Memphis ARTC Center.

Using agency. Commanding General, U.S. Army Missile Command, Redstone Arsenal, Ala.

2. R-2104B *Huntsville, Ala.*

Boundaries. Beginning at latitude 34°-39'30" N., longitude 86°37'40" W.; to latitude 34°39'25" N., longitude 86°36'10" W.; to latitude 34°37'55" N., longitude 86°36'10" W.; to latitude 34°37'55" N., longitude 86°-35'21" W.; to latitude 34°35'05" N., longitude 86°35'24" W.; thence west along the Tennessee River to latitude 34°33'58" N., longitude 86°37'50" W.; to the point of beginning.

Designated altitudes. Surface to 2,400 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Memphis ARTC Center.

Using agency. Commanding General, U.S. Army Missile Command, Redstone Arsenal, Ala.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on December 3, 1964.

LEE E. WARREN,
Director, Air Traffic Service.

[F.R. Doc. 64-12686; Filed, Dec. 10, 1964; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. No. PR-92]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Subpart A—Rules of General Applicability

PETITIONS FOR RULEMAKING

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of December 1964.

Rule 38 of the Board's rules of practice (14 CFR 302.38), which sets forth the procedure for rule making proceedings, does not authorize the filing of petitions for reconsideration of an adopted rule. Nevertheless, in rule making proceedings the Board frequently receives documents styled "petitions for reconsideration" and on occasion the Board has accepted these documents and disposed of them on the merits.

The Board believes that petitions for reconsideration of an adopted rule are generally inappropriate and should not be permitted. The proper means of seeking relief is by an original petition for amendment, modification or repeal of a rule, pursuant to § 302.38(a). Accordingly, the following amendment imposes a prohibition on petitions for reconsideration of adopted rules, unless the Board expressly provides otherwise when it adopts the rule.

Since this amendment is a rule of practice and procedure, notice and public procedure thereon are not required, and the rule may become effective upon less than 30 days' notice.

In consideration of the foregoing, the Board hereby amends § 302.38 of Part 302 of the Procedural Regulations (14 CFR 302.38), effective December 11, 1964, by adding a new paragraph (d) to read as follows:

§ 302.38 Petitions for rulemaking.

* * * * *

(d) *Prohibition of petitions for reconsideration of adopted rules.* Unless the Board in adopting a rule expressly provides otherwise, the Board will not entertain petitions for reconsideration of an adopted rule. Nothing in this subsection shall be interpreted as precluding a petition for amendment, modification or repeal of an adopted rule prior to its effective date.

(Sec. 4, Administrative Procedure Act, 60 Stat. 238; 5 U.S.C. 1003; section 204(a) of the Federal Aviation Act of 1958, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64-12768; Filed, Dec. 10, 1964; 8:50 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

PART 7—STANDARDS FOR SEAT BELTS FOR USE IN MOTOR VEHICLES

As required by Public Law 88-201, approved on December 13, 1963 (77 Stat. 361), and after giving adequate public notice and considering public comments received, I hereby prescribe and publish the following standards for seat belts for use in motor vehicles. The purpose of these standards, as stated in Public Law 88-201, is "to provide the public with safe seat belts so that passenger injuries in motor vehicle accidents can be kept to a minimum."

These standards are essentially the same as Society of Automotive Engineers Standard 54b, Motor Vehicle Seat Assemblies, approved November 19, 1964, and published by the Society of Automotive Engineers, 485 Lexington Avenue, New York, N.Y., 10017. Standards are prescribed for three types of seat belt assemblies; namely, a lap belt, a safety harness for adults and a safety harness for children. The lap belt provides restraint only on the pelvis and is recommended for use where movement of the upper part of the body is not likely to cause injury. The safety harness provides restraint both on the pelvis and the upper torso and is recommended for use where movement of the entire body must be restricted to avoid injury. The standards permit the safety harness for adults to be either an integral harness or a combination of lap and shoulder belts.

Prior to June 1, 1965, the Department of Commerce, in consultation with the Society of Automotive Engineeers, the industry, Government experts, and interested consumers, intends to add additional requirements to these standards including requirements for non-ferrous corrosion and cracking of hardware, and performance of retractors in a dusty environment. The proposed additions will be published in the FEDERAL REGISTER for public comment on or about April 1, 1965.

Done at Washington, D.C., this 2d day of December 1964.

LUTHER H. HODGES, *Secretary of Commerce.*

Sec.

AUTHORITY: The provisions of this Part 7 issued under secs. 1-4, Public Law 88-201, approved Dec. 13, 1963 (77 Stat. 361).

§ 7.1 Definitions.

As used in these specifications:

(a) The term "act" means Public Law 88-201, 88th Congress, H.R. 134 (77 Stat. 361).

(b) The term "interstate commerce" means commerce between one State, Territory, possession, the District of Columbia, or the Commonwealth of Puerto Rico and another State, Territory, possession, the District of Columbia, or the Commonwealth of Puerto Rico.

(c) The term "motor vehicle" means any vehicle or machine propelled or drawn by mechanical power and used on the highways principally in the transportation of passengers other than those of carriers subject to safety regulations under Part II of the Interstate Commerce Act.

(d) The term "seat belt assembly" means any strap, webbing, or similar device designed to secure a person in a motor vehicle in order to mitigate the results of any accident, including all necessary buckles and other fasteners, and all hardware designed for installing such seat belt assembly in a motor vehicle.

(e) The term "pelvic restraint" means a seat belt assembly or portion thereof intended to restrain movement of the pelvis.

(f) The term "upper torso restraint" means a portion of a seat belt assembly intended to restrain movement of the chest and shoulder regions.

(g) The term "hardware" means any metal or rigid plastic part of a seat belt assembly.

(h) The term "buckle" means a quick release connector which fastens a person in a seat belt assembly.

(i) The term "attachment hardware" means any or all hardware designed for securing the webbing of a seat belt assembly to a motor vehicle.

(j) The term "adjustment hardware" means any or all hardware designed for adjusting the size of a seat belt assembly to fit the user, including such hardware that may be integral with a buckle, attachment hardware, or retractor.

(k) The term "retractor" means a device for storing part or all of the webbing in a seat belt assembly.

(l) The term "non-locking retractor" means a retractor from which the webbing is extended to essentially its full length by a small external force, which provides no adjustment for assembly length, and which may or may not be capable of sustaining restraint forces at maximum webbing extension.

(m) The term "automatic-locking retractor" means a retractor incorporating adjustment hardware by means of a positive self-locking mechanism which is capable when locked of withstanding restraint forces.

(n) The term "emergency-locking retractor" means a retractor incorporating adjustment hardware by means of a locking mechanism that is activated by vehicle acceleration, webbing movement relative to the vehicle, or other automatic action during an emergency and is capable when locked of withstanding restraint forces.

(o) The term "seat back retainer" means the portion of some seat belt assemblies designed to restrict forward movement of a seat back.

(p) The term "webbing" means a narrow fabric woven with continuous filling yarns and finished selvages.

(q) The term "strap" means a narrow non-woven material used in a seat belt assembly in place of webbing.

§ 7.2 Scope and application.

The standards prescribed herein shall apply to any seat belt for use in a motor vehicle, including the manufacture for sale, the sale, or the offering for sale, in interstate commerce, or the importation into the United States, or the introduction, delivery for introduction, transportation, or causing to be transported in, interstate commerce, or for the purpose of sale, or delivery after sale, in interstate commerce. Standards are prescribed for the following types of seat belt assembly:

(a) Type 1 seat belt assembly is a lap belt for pelvic restraint.

(b) Type 2 seat belt assembly is a combination of pelvic and upper torso restraints.

(c) Type 2-a shoulder belt is an upper torso restraint for use only in conjunction with a lap belt as a Type 2 seat belt assembly.

(d) Type 3 seat belt assembly is a combination pelvic and upper torso restraint for persons weighing not more than 50 pounds or 23 kilograms and capable of sitting upright by themselves, that is children in the approximate age range of 8 months to 6 years.

§ 7.3 General requirements.

(a) *Single occupancy.* A seat belt assembly shall be designed for use by one, and only one, person at any one time.

(b) *Pelvic restraint.* A seat belt assembly shall provide pelvic restraint whether or not upper torso restraint is provided, and the pelvic restraint shall be designed to remain on the pelvis under all conditions, including collision or rollover of the motor vehicle. Pelvic restraint of a Type 2 seat belt assembly that can be used without upper torso restraint shall comply with requirement for Type 1 seat belt assembly in §§ 7.3 to 7.6.

(c) *Upper torso restraint.* A Type 2 or Type 3 seat belt assembly shall provide upper torso restraint without shifting the pelvic restraint into the abdominal region. An upper torso restraint shall be designed to minimize vertical forces on the shoulders and spine. Hardware for upper torso restraint shall be so designed and located in the seat belt assembly that the possibility of injury to the occupant is minimized. A Type 2-a shoulder belt shall comply with applicable requirements for a Type 2 seat belt assembly in §§ 7.3 to 7.6 inclusive.

(d) *Hardware.* All hardware parts which contact under normal usage a per-

son, clothing, or webbing shall be free from burrs and sharp edges.

(e) *Release.* A Type 1 or Type 2 seat belt assembly shall be provided with a buckle or buckles readily accessible to the occupant to permit his easy and rapid removal from the assembly. A Type 3 seat belt assembly shall be provided with a quickly recognizable and easily operated release arrangement, readily accessible to an adult.

(f) *Attachment hardware.* A seat belt assembly shall include all hardware necessary for installation in a motor vehicle in accordance with SAE Information Report, Motor Vehicle Seat Belt Installations—SAE J800a, published by the Society of Automotive Engineers, 485 Lexington Avenue, New York, N.Y., 10017, except that seat belt assemblies designed for installation in motor vehicles equipped with seat belt anchorages shall not require underfloor hardware. The hardware shall be designed to prevent attaching bolts and other parts becoming disengaged from the vehicle in service. Reinforcing plates or washers furnished for universal floor installations shall be of steel, free from burrs and sharp edges on the peripheral edges adjacent to the vehicle, not less than 0.06 inch or 1.5 millimeters in thickness nor less than 4 square inches or 25 square centimeters in area. The distance between any edge of the plate and the edge of the bolt hole shall be at least 0.6 inch or 15 millimeters and any corner shall be rounded to a radius of not less than 0.25 inch or 6 millimeters, or cut at a 45-degree angle along an hypotenuse not less than 0.25 inch or 6 millimeters in length.

(g) *Adjustment.* A Type 1 or Type 2 seat belt assembly shall be capable of snug adjustment by the occupant by a means easily within his reach and easily operable without appreciable interference with the driving process, or shall be provided with an automatic-locking or emergency-locking retractor. A Type 3 seat belt assembly shall be capable of snug adjustment to fit any child capable of sitting upright and weighing not more than 50 pounds or 23 kilograms unless specifically labelled for use with a child in a smaller weight range.

(h) *Seat back retainer.* A Type 3 seat belt assembly designed for attachment to a seat back or for use in a seat with a hinged back shall include a seat back retainer unless such assembly is designed and labeled for use in specific models of motor vehicles in which the vehicle manufacturer has provided other adequate restraint for the seat back.

(i) *Webbing.* The ends of webbing in a seat belt assembly shall be protected or treated to prevent ravelling, and abrading or snagging of clothing with which the webbing ends may come in contact. The end of webbing in a seat belt assembly having a metal-to-metal buckle that is used by the occupant to adjust the size of the assembly shall not pull out of the adjustment hardware at maximum size adjustment. Provision shall be made for essentially unimpeded movement of webbing routed between a seat back and seat cushion and attached to a retractor located behind the seat.

(j) *Strap.* A strap used in a seat belt assembly to sustain restraint forces shall comply with the requirements for webbing in § 7.4, and if the strap is made from a rigid material, it shall comply with applicable requirements in §§ 7.4, 7.5 and 7.6.

(k) *Marking.* Each seat belt assembly shall be permanently and legibly marked or labeled with year of manufacture, model, and name or trademark of manufacturer or distributor, or of importer if manufactured outside the United States. A model shall consist of a single combination of webbing having a specific type of fiber, weave and construction, and hardware having a specific design. Webbings of various colors may be included under the same model, but webbing of each color shall comply with the requirements for webbing in § 7.4.

(l) *Installation instructions.* A seat belt assembly or retractor shall be accompanied by an instruction sheet providing sufficient information for installing the assembly in a motor vehicle except for a seat belt assembly installed in a motor vehicle by an automobile manufacturer. The installation instructions shall state whether the assembly is for universal installation or for installation only in specifically stated motor vehicles, and shall include at least those items in SAE Information Report, Motor Vehicle Seat Belt Installations—SAE J800a, published by the Society of Automotive Engineers.

(m) *Usage and maintenance instructions.* A seat belt assembly or retractor shall be accompanied by written instructions for the proper use of the assembly, stressing particularly the importance of wearing the assembly snugly and properly located on the body, and on the maintenance of the assembly and periodic inspection of all components. The instructions shall show the proper manner of threading webbing in the hardware of seat belt assemblies in which the webbing is not permanently fastened.

§ 7.4 Requirements for webbing.

(a) *Width.* The webbing in a seat belt assembly shall be not less in width than the following dimensions when measured under conditions prescribed in § 7.7(a): Type 1 seat belt assembly—1.8 inches or 46 millimeters; Type 2 seat belt assembly—1.8 inches or 46 millimeters; Type 3 seat belt assembly—0.9 inch or 23 millimeters.

(b) *Breaking strength.* The webbing in a seat belt assembly shall have not less than the following breaking strength when tested by the procedures specified in § 7.7(b): Type 1 seat belt assembly—6,000 pounds or 2,720 kilograms; Type 2 seat belt assembly—5,000 pounds or 2,270 kilograms for webbing in pelvic restraint and 4,000 pounds or 1,810 kilograms for webbing in upper torso restraint; Type 3 seat belt assembly—1,500 pounds or 680 kilograms for webbing in pelvic and upper torso restraints, 4,000 pounds or 1,810 kilograms for webbing in seat back retainer and for webbing connecting pelvic and upper torso restraints to attachment hardware when assembly has single webbing connection, or 3,000 pounds or 1,360 kilograms for webbing connecting pelvic and upper torso restraint to attachment hardware when assembly has two or more webbing connections.

(c) *Elongation.* The webbing in a seat belt assembly shall not extend to more than the following elongations when subjected to the specified forces in accordance with the procedure specified in § 7.7(c): Type 1 seat belt assembly—20 percent at 2,500 pounds or 1,130 kilograms; Type 2 seat belt assembly—30 percent at 2,500 pounds or 1,130 kilograms for webbing in pelvic restraint and 40 percent at 2,500 pounds or 1,130 kilograms for webbing in upper torso restraint; Type 3 seat belt assembly—20 percent at 700 pounds or 320 kilograms for webbing in pelvic and upper torso restraints, and 25 percent at 2,500 pounds or 1,130 kilograms for webbing in seat back retainer and for webbing connecting pelvic and upper torso restraints to attachment hardware when assembly has single webbing connection, or 25 percent at 1,800 pounds or 820 kilograms for webbing connecting pelvic and upper torso restraints to attachment hardware when assembly has two or more webbing connections.

(d) *Resistance to abrasion.* The webbing in a seat belt assembly after being subjected to abrasion as specified in § 7.7(d) shall have a breaking strength not less than 75 percent of the strength before abrasion when measured by the procedure specified in § 7.7(b).

(e) *Resistance to light.* The webbing in a seat belt assembly after exposure to the light of a carbon arc and tested by the procedure specified in § 7.7(e) shall have a breaking strength not less than 60 percent of the strength before exposure to the carbon arc and shall have a color retention not less than No. 3 on the Geometric Gray Scale published by the American Association of Textile Chemists and Colorists, Post Office Box 886, Durham, N.C.

(f) *Resistance to micro-organisms.* The webbing in a seat belt assembly after being subjected to micro-organisms and tested by the procedures specified in § 7.7(f) shall have a breaking strength not less than 85 percent of the strength before subjection to micro-organisms.

(g) *Colorfastness to crocking.* The webbing in a seat belt assembly shall not transfer color to a crock cloth either wet or dry to a greater degree than class 3 on the AATCC Chart for Measuring Transference of Color published by the American Association of Textile Chemists and Colorists, when tested by the procedure specified in § 7.7(g).

(h) *Colorfastness to staining.* The webbing in a seat belt assembly shall not stain to a greater degree than class 3 on the AATCC Chart for Measuring Transference of Color published by the American Association of Textile Chemists and Colorists, when tested by the procedure specified in § 7.7(h).

§ 7.5 Requirements for hardware.

(a) *Corrosion resistance.* All hardware parts of a seat belt assembly after being subjected to the conditions specified in § 7.8(a) shall be free of red rust except for permissible red rust at peripheral edges or edges of holes on underfloor reinforcing plates or washers, and buckles and retractors shall conform to

applicable requirements in paragraphs (g) to (k) of this section inclusive.

(b) *Temperature resistance.* Plastic or other non-metallic hardware parts of a seat belt assembly when subjected to the conditions specified in § 7.8(b) shall not warp or otherwise deteriorate to cause the assembly to operate improperly or fail to comply with applicable requirements in this section and § 7.6.

(c) *Attachment hardware.* Eye bolts, shoulder bolts, or other bolts used to secure the pelvic restraint of a seat belt assembly to a motor vehicle shall withstand a force of 5,000 pounds or 2,270 kilograms when tested by the procedure specified in § 7.8(c)(1). A seat belt assembly having single attachment hooks of the quick-disconnect type for connecting webbing to an eye bolt shall be provided with a retaining latch or keeper which shall not move more than 0.08 inch or 2 millimeters in either the vertical or horizontal direction when tested by the procedure specified in § 7.8(c)(2).

(d) *Buckle release force.* The buckle of a Type 1 or Type 2 seat belt assembly shall release when a force of not more than 30 pounds or 14 kilograms is applied, and the buckle of a Type 3 seat belt assembly shall release when a force of not more than 20 pounds or 9 kilograms is applied as prescribed in § 7.8(d).

(e) *Adjustment force.* The force required to decrease the size of a seat belt assembly shall not exceed 11 pounds or 5 kilograms when measured by the procedure specified in § 7.8(e).

(f) *Tilt-lock adjustment.* The buckle of a seat belt assembly having tilt-lock adjustment shall lock the webbing when tested by the procedure specified in § 7.8(f) at an angle of not less than 30 degrees between the base of the buckle and the anchor webbing.

(g) *Buckle latch.* The buckle latch of a seat belt assembly when tested by the procedure specified in § 7.8(g) shall not fail, nor gall or wear to an extent that normal latching and unlatching is impaired, and a metal-to-metal buckle shall separate when in any position of partial engagement by a force of not more than 5 pounds or 2.3 kilograms.

(h) *Non-locking retractor.* The webbing of a seat belt assembly shall extend from a non-locking retractor within 0.25 inch or 6 mm of maximum length when a tension of 3 pounds or 1.4 kilograms is applied as prescribed in § 7.8(h).

(i) *Automatic-locking retractor.* The webbing of a seat belt assembly equipped with an automatic-locking retractor shall not move more than 1 inch or 2.5 centimeters between locking positions of the retractor, and shall be retracted with a force of not less than 0.6 pound or 0.27 kilogram when measured by the procedure specified in § 7.8(i).

(j) *Emergency-locking retractor.* An emergency-locking retractor used on a Type 1 or Type 2 seat belt assembly shall lock before the webbing extends 1 inch or 2.5 centimeters when the retractor is subjected to an acceleration of 0.5 gravity or 5 meters per second per second, and shall exert a retraction force of not less than 1.5 pounds or 0.7 kilogram under zero acceleration when tested by the procedures specified in § 7.8(j).

(k) *Performance of retractor.* A retractor used on a seat belt assembly after subjection to the tests specified in § 7.8 (k) shall comply with applicable requirements in paragraphs (h) to (j) of this section and § 7.6, except that the retraction force shall be not less than 50 percent of its original retraction force.

§ 7.6 Requirements for assembly performance.

(a) *Type 1 seat belt assembly.* The complete seat belt assembly including webbing, straps, buckles, adjustment and attachment hardware, and retractors shall comply with the following requirements when tested by the procedures specified in § 7.9(a):

(1) The assembly loop shall withstand a force of not less than 5,000 pounds or 2,270 kilograms; that is each structural component of the assembly shall withstand a force of not less than 2,500 pounds or 1,130 kilograms.

(2) The assembly loop shall extend not more than 7 inches or 18 centimeters when subjected to a force of 5,000 pounds or 2,270 kilograms; that is the length of the assembly between anchorages shall not increase more than 14 inches or 36 centimeters.

(3) Any webbing cut by the hardware during test shall have a breaking strength at the cut of not less than 4,200 pounds or 1,910 kilograms.

(b) *Type 2 seat belt assembly.* The components of a Type 2 seat belt assembly including webbing, straps, buckles, adjustment hardware, and retractors shall comply with the following requirements when tested by the procedure specified in § 7.9(b):

(1) The structural components in the pelvic restraint shall withstand a force of not less than 2,500 pounds or 1,130 kilograms.

(2) The structural components in the upper torso restraint shall withstand a force of not less than 1,500 pounds or 680 kilograms.

(3) The structural components in the assembly that are common to pelvic and upper torso restraints shall withstand a force of not less than 3,000 pounds or 1,360 kilograms.

(4) The length of the pelvic restraint between anchorages shall not increase more than 20 inches or 50 centimeters when subjected to a force of 2,500 pounds or 1,130 kilograms.

(5) The length of the upper torso restraint between anchorages shall not increase more than 20 inches or 50 centimeters when subjected to a force of 1,500 pounds or 680 kilograms.

(6) Any webbing cut by the hardware during test shall have a breaking strength of not less than 3,500 pounds or 1,590 kilograms at a cut in webbing of the pelvic restraint, or not less than 2,800 pounds or 1,270 kilograms at a cut in webbing of the upper torso restraint.

(c) *Type 3 seat belt assembly.* The complete seat belt assembly including webbing, straps, buckles, adjustment and attachment hardware, and retractors shall comply with the following requirements when tested by the procedures specified in § 7.9(c):

(1) The complete assembly shall withstand a force of 2,000 pounds or 900 kilograms.

(2) The complete assembly shall extend not more than 12 inches or 30 centimeters when subjected to a force of 2,000 pounds or 900 kilograms.

(3) Any webbing cut by the hardware during test shall have a breaking strength of not less than 1,050 pounds or 480 kilograms at a cut in webbing of pelvic or upper torso restraints, or not less than 2,800 pounds or 1,270 kilograms at a cut in webbing of seat back retainer or in webbing connecting pelvic and upper torso restraint at attachment hardware.

§ 7.7 Test procedures for webbing.

(a) *Width.* The width of webbing from three seat belt assemblies shall be measured after conditioning for at least 24 hours in an atmosphere having relative humidity between 48 and 67 percent and a temperature of 23±2 degrees Celsius or 73.4±3.6 degrees Fahrenheit. The tension during measurement of width shall be not more than 5 pounds or 2 kilograms on webbing from a Type 1 or Type 3 seat belt assembly, and 2,200±100 pounds or 1,000±50 kilograms on webbing from a Type 2 seat belt assembly. The width of webbing from a Type 2 seat belt assembly may be measured during the breaking strength test described in paragraph (b) of this section.

(b) *Breaking strength.* Webbing from three seat belt assemblies shall be conditioned in accordance with paragraph (a) of this section and tested for breaking strength in a testing machine of suitable capacity verified to have an error of not more than one percent in the range of the breaking strength of the webbing by the Tentative Methods of Verification of Testing Machines, ASTM Designation: E 4–64, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa., 19103. The machine shall be equipped with split drum grips illustrated in Figure 1, having a diameter between 2 and 4 inches or 5 and 10 centimeters. The rate of grip separation shall be between 2 and 4 inches per minute or 5 and 10 centimeters per minute. The distance between the centers of the grips at the start of the test shall be between 4 and 10 inches or 10 and 25 centimeters. After placing the specimen in the grips, the webbing shall be stretched continuously at a uniform rate to failure. Each value shall be not less than the applicable breaking strength requirement in § 7.4(b), but the median value shall be used for determining the retention of breaking strength in paragraphs (d), (e) and (f) of this section.

(c) *Elongation.* Elongation shall be measured during the breaking strength test described in paragraph (b) of this section by the following procedure: A preload between 44 and 55 pounds or 20 and 25 kilograms shall be placed on the webbing mounted in the grips of the testing machine and the needle points of an extensometer, in which the points remain parallel during test, are inserted in the center of the specimen. Initially the points shall be set at a known distance

apart between 4 and 8 inches or 10 and 20 centimeters. When the force on the webbing reaches the value specified in § 7.4(c), the increase in separation of the points of the extensometer shall be measured and the percent elongation shall be calculated to the nearest 0.5 percent. Each value shall be not more than the appropriate elongation requirement in § 7.4(c).

(d) *Resistance to abrasion.* The webbing from three seat belt assemblies shall be tested for resistance to abrasion by rubbing over the hexagon bar prescribed in Figure 2 in the following manner. The webbing shall be mounted in the apparatus shown schematically in Figure 2. One end of the webbing (A) shall be attached to a weight (B) which has a mass of 5.2±0.1 pounds or 2.35± 0.05 kilograms, except that a mass of 3.3±0.1 pounds or 1.50±0.05 kilograms shall be used for webbing in pelvic and upper torso restraint of Type 3 seat belt assembly. The webbing shall be passed over the two new abrading edges of the hexagon bar (C) and the other end attached to an oscillating drum (D) which has a stroke of 13 inches or 33 centimeters Suitable guides shall be used to prevent movement of the webbing along the axis of hexagonal bar C. Drum D shall be oscillated for 5,000 strokes or 2,500 cycles at a rate of 60±2 strokes per minute or 30±1 cycles per minute. The abraded webbing shall be conditioned as prescribed in paragraph (a) of this section and tested for breaking strength by the procedure described in paragraph (b) of this section. The median values for the breaking strengths determined on abraded and unabraded specimens shall be used to calculate the percentage of breaking strength retained.

(e) *Resistance to light.* Webbing at least 20 inches or 50 centimeters in length from three seat belt assemblies shall be suspended vertically on the inside of the specimen rack in a Type E carbon-arc light-exposure apparatus described in Recommended Practice for Operation of Light-and-Water-Exposure Apparatus (Carbon-Arc Type) for Artificial Weathering Test, ASTM Designation: E 42–64, published by the American Society for Testing and Materials. The apparatus shall be operated without water spray at an air temperature of 60±2 degrees Celsius or 140±3.6 degrees Fahrenheit measured at a point 1.0±0.2 inches or 2.5±0.5 centimeters outside the specimen rack and midway in height. The temperature sensing element shall be shielded from radiation. The specimens shall be exposed to the light from the carbon arc for 100 hours and then conditioned as prescribed in paragraph (a) of this section. The colorfastness of the exposed and conditioned specimens shall be determined on the Geometric Gray Scale issued by the American Association of Textile Chemists and Colorists. The breaking strength of the specimens shall be determined by the procedure prescribed in paragraph (b) of this section. The median values for the breaking strengths determined on exposed and unexposed specimens shall be used to calculate the percentage of breaking strength retained.

(f) *Resistance to micro-organisms.* Webbing at least 20 inches or 50 centimeters in length from these seat belt assemblies shall be subjected successively to the procedures prescribed in Section 1C1—Water Leaching, Section 1C2—Volatilization, and Section 1B3—Soil Burial Test of AATCC Tentative Test Method 30–1957T, Fungicides, Evaluation of Textiles; Mildew and Rot Resistance of Textiles, published by American Association of Textile Chemists and Colorists. After soil-burial for a period of 2 weeks, the specimen shall be washed in water, dried and conditioned as prescribed in paragraph (a) of this section. The breaking strengths of the specimens shall be determined by the procedure prescribed in paragraph (b) of this section. The median values for the breaking strengths determined on exposed and unexposed specimens shall be used to calculate the percentage of breaking strength retained.

NOTE: This test shall not be required on webbing made from material which is inherently resistant to micro-organisms.

(g) *Colorfastness to crocking.* Webbing from three seat belt assemblies shall be tested by the procedure specified in Standard Test Method 8–1961, Colorfastness to Crocking (Rubbing) published by the American Association of Textile Chemists and Colorists.

(h) *Colorfastness to staining.* Webbing from three seat belt assemblies shall be tested by the procedure specified in Standard Test Method 107–1962, Colorfastness to Water, published by the American Association of Textile Chemists and Colorists, with the following modifications: Distilled water shall be used, the drying time in paragraph 4 of procedures shall be 4 hours, and section entitled "Evaluation Method for Staining (3)" shall be used to determine colorfastness to staining on the AATCC Chart for Measuring Transference of Colors.

§ 7.8 Test procedures for hardware.

(a) *Corrosion resistance.* All hardware from three seat belt assemblies shall be tested by Standard Method of Salt Spray (Fog) Testing, ASTM Designation: B 117–64, published by the American Society for Testing and Materials. The period of test shall be 50 hours for all attachment hardware at or near the floor, consisting of two periods of 24 hours exposure to salt spray followed by 1 hour drying and 25 hours for all other hardware, consisting of one period of 24 hours exposure to salt spray followed by 1 hour drying. In the salt spray test chamber, the parts from the three assemblies shall be oriented differently, selecting those orientations most likely to develop corrosion on the larger areas. Retractors shall be tested for corrosion resistance after 5,000 cycles of operation as prescribed in paragraph (k) of this section.

(b) *Temperature resistance.* All hardware having plastic or non-metallic components from three seat belt assemblies shall be subjected to the conditions prescribed in Procedure IV of Standard Methods of Test for Resistance of Plastics to Accelerated Service Conditions published by the American Society for Testing and Materials, under designation D 756–56. The dimension and weight measurements shall be omitted. Buckles shall be unlatched and retractors shall be fully retracted during conditioning. The hardware parts after conditioning shall be used for all applicable tests in §§ 7.5 and 7.6.

(c) *Attachment hardware.* (1) Attachment bolts used to secure the pelvic restraint of a seat belt assembly to a motor vehicle shall be tested in the following manner: To one head of a testing machine described in § 7.7(b), two belt sections shall be attached. At the free end of each belt section, attachment hardware from the seat belt assembly (i.e., sister hooks, etc.) shall be attached. The attachment hardware shall be fastened by the bolt in a fixture on the other head of the testing machine as shown in Figure 3, which has a standard 7/16—20 UNF –2B threaded hole in a hardened steel plate at least 0.4 inch or 1 centimeter in thickness; the axis of this threaded hole forms a 45 degree angle with the line of pull of the belt sections. The bolt shall be 0.2 inch or 5 millimeters from its fully seated position with the attachment hardware from the two belt sections attached. A force of 5,000 pounds or 2,270 kilograms shall be applied. A bolt from each of three seat belt assemblies shall be tested.

(2) Single attachment hook for connecting webbing to an eye bolt shall be tested in the following manner: The hook shall be held rigidly so that the retainer latch or keeper, with cotter pin or other locking device in place, is in a horizontal position as shown in Figure 4. A force of 150±2 pounds or 68±1 kilograms shall be applied vertically as near as possible to the free end of the retainer latch, and the movement of the latch by this force at the point of application shall be measured. The vertical force shall be released, and a force of 150±2 pounds or 68±1 kilograms shall be applied horizontally as near as possible to the free end of the retainer latch. The movement of the latch by this force at the point of load application shall be measured. Alternatively, the hook may be held in other positions provided the forces are applied and the movements of the latch are measured at the points indicated in Figure 4.

(d) *Buckle release force.* Three seat belt assemblies shall be tested to determine compliance with the maximum buckle release force requirements, following the assembly test in § 7.9. After subjection to the force applicable for the assembly being tested, the force shall be reduced and maintained at 150±10 pounds or 68±4 kilograms on the assembly loop of a Type 1 seat belt assembly, 75±5 pounds or 34±2 kilograms on the components of a Type 2 seat belt assembly, or 45±5 pounds or 20±2 kilograms on a Type 3 seat belt assembly. The buckle release force shall be measured by applying a force on the buckle in a manner and direction typical of that which would be employed by a seat belt occupant. For lever release buckles, the force shall be applied on the centerline of the buckle lever or finger tab in such di-

rection as to produce maximum releasing effect. A hole 0.1 inch or 2.5 millimeters in diameter may be drilled through the buckle tab or lever on the centerline of the lever between 0.12 and 0.13 inch or 3.0 and 3.3 millimeters from its edge, and a small loop of soft wire may be used as the connecting link between the buckle tab or lever and the force measuring device.

(e) *Adjustment force.* Three seat belt assemblies shall be tested for adjustment force on the webbing at the buckle, or other manual adjusting device normally used to adjust the size of the assembly. With no load on the anchor end, the webbing shall be drawn through the adjusting device at a rate of 20±2 inches per minute or 50±5 centimeters per minute and the maximum force shall be measured to the nearest 0.25 pound or 0.1 kilogram after the first 1.0 inch or 25 millimeters of webbing movement. The webbing shall be precycled 10 times prior to measurement.

(f) *Tilt-lock adjustment.* This test shall be made on buckles or other manual adjusting devices having tilt-lock adjustment normally used to adjust the size of the assembly. Three buckles or devices shall be tested. The base of the adjustment mechanism and the anchor end of the webbing shall be oriented in planes normal to each other. The webbing shall be drawn through the adjustment mechanism in a direction to increase belt length at a rate of 20±2 inches per minute or 50±5 centimeters per minute while the plane of the base is slowly rotated in a direction to lock the webbing. Rotation shall be stopped when the webbing locks, but the pull on the webbing shall be continued until there is a resistance of at least 20 pounds or 9 kilograms. The locking angle between the anchor end of the webbing and the base of the adjustment mechanism shall be measured to the nearest degree. The webbing shall be precycled 10 times prior to measurement.

(g) *Buckle latch.* The buckles from three seat belt assemblies shall be opened fully and closed at least 10 times. Then the buckles shall be clamped or firmly held against a flat surface so as to permit normal movement of buckle parts, but with the metal mating plate (metal-to-metal buckles) or webbing end (metal-to-webbing buckles) withdrawn from the buckle. The release mechanism shall be moved 200 times through the maximum possible travel against its stop with a force of 30±3 pounds or 14±1 kilograms at a rate not to exceed 30 cycles per minute. The buckle shall be examined to determine compliance with the performance requirements of § 7.5(g). A metal-to-metal buckle shall be examined to determine whether partial engagement is possible by means of any technique representative of actual use. If partial engagement is possible, the maximum force of separation when in such partial engagement shall be determined.

(h) *Non-locking retractor.* After the retractor is cycled 10 times by full extension and retraction of the webbing, the retractor and webbing shall be suspended vertically and a force of 4 pounds or 1.8 kilograms shall be applied to extend the webbing from the retractor. The force shall be reduced to 3 pounds or 1.4 kilograms. The residual extension of the webbing shall be measured by manual rotation of the retractor drum or by disengaging the retraction mechanism. Measurements shall be made on three retractors.

(i) *Automatic-locking retractor.* Three retractors shall be tested in a manner to permit the retraction force to be determined exclusive of any gravitational forces on hardware or webbing. The webbing shall be fully extended from the retractor and a line shall be marked at 75 percent extension. While the webbing is being retracted, the lowest force of retraction within plus or minus 2 inches or 5 centimeters of 75 percent extension (25 percent retraction) shall be determined and the webbing movement between adjacent locking segments shall be measured in the same region of extension.

(j) *Emergency-locking retractor.* Three retractors shall be tested in a manner to permit the retraction force to be determined exclusive of any gravitational forces on hardware or webbing. The webbing shall be fully extended from the retractor and a line shall be marked at 75 percent extension. While the webbing is being retracted, the lowest force of retraction within plus or minus 2 inches or 5 centimeters of 75 percent extension (25 percent retraction) shall be determined. The retractor shall be subjected to an acceleration of 0.5 gravity or 5 meters per second while the webbing is at 75 percent extension, and the webbing movement before locking shall be measured under the following conditions: For a retractor sensitive to webbing withdrawal, the retractor shall be accelerated in the direction of webbing withdrawal while oriented horizontally and at angles of 45, 90, 135 and 180 degrees to the horizontal plane. For a retractor sensitive to vehicle acceleration, the retractor shall be accelerated in three directions normal to each other while oriented horizontally and at angles of 45, 90, 135 and 180 degrees to the horizontal plane unless the retractor locks by gravitational force when tilted in any direction to an angle of 45 degrees or more.

(k) *Performance of retractor.* The retractor shall be mounted in an apparatus capable of extending the webbing fully, applying a force of 20 pounds or 9 kilograms at full extension, and allowing the webbing to retract freely and completely. The webbing shall be withdrawn from the retractor and allowed to retract repeatedly in this apparatus until 5,000 cycles are completed. The retractor and webbing shall then be subjected to the corrosion test prescribed in paragraph (a) of this section. The performance of the retractor after the corrosion test shall be determined by withdrawing the webbing manually and allowing the webbing to retract for 25 cycles. Non-locking and automatic-locking retractors shall be subjected to 5,000 additional cycles of webbing withdrawal and retraction, and emergency-locking retractors shall be subjected to 45,000 additional cycles of webbing withdrawal and retraction as previously described. The locking mechanism of an emergency-locking retractor shall be actuated about 10,000 times during the 50,000 cycles. At the end of test, compliance of the retractors with applicable requirements in §§ 7.5 (h), (i) and (j) shall be determined. Three retractors shall be tested for performance.

§ 7.9 Test procedures for assembly performance.

(a) *Type 1 seat belt assembly.* Three complete seat belt assemblies including webbing, straps, buckles, adjustment and attachment hardware, and retractors, arranged in the form of a loop as shown in Figure 5, shall be tested in the following manner:

(1) The testing machine shall conform to the requirements specified in § 7.7(b). A double-roller block shall be attached to one head of the testing machine. This block shall consist of 2 rollers 4 inches or 10 centimeters in diameter and sufficiently long so that no part of the seat belt assembly touches parts of the block other than the rollers during test. The rollers shall be mounted on antifriction bearings and spaced 12 inches or 30 centimeters between centers, and shall have sufficient capacity so that there is no brinelling, bending or other distortion of parts which may affect the results. An anchorage bar shall be fastened to the other head of the testing machine.

(2) The attachment hardware furnished with the seat belt assembly shall be attached to the anchorage bar. The anchor points shall be spaced so that the webbing is parallel in the two sides of the loop. The orientation of the attachment hardware shall produce no twist in the webbing. The attaching bolt shall be parallel to, or at an angle of 45 or 90 degrees to the webbing, whichever results in the greatest angle between webbing and attachment hardware except that eye bolts shall be vertical, and attaching bolts of a seat belt assembly designed for use in specific models of motor vehicles shall be installed to produce the maximum angle in use indicated by the installation instructions. Rigid adapters between anchorage bar and attachment hardware shall be used if necessary to locate and orient the adjustment hardware. The adapters shall have a flat support face perpendicular to the threaded hole for the attaching bolt and adequate in area to provide full support for the base of the attachment hardware connected to the webbing. If necessary, a washer shall be used under a swivel plate or other attachment hardware that would crush or damage the webbing as the attaching bolt is tightened.

(3) The length of the assembly loop from attaching bolt to attaching bolt shall be adjusted to about 51 inches or 130 centimeters, or as near thereto as possible. A force of 55 pounds or 25 kilograms shall be applied to the loop to remove any slack in webbing at hardware. The force shall be removed and the heads of the testing machine shall be adjusted for an assembly loop between 48 and 50 inches or 122 and 127 centimeters in length. The length of the assembly loop shall then be adjusted

by applying a force between 20 and 22 pounds or 9 and 10 kilograms to the free end of the webbing at the buckle, or by the retraction force of an automatic-locking or emergency-locking retractor. A seat belt assembly that cannot be adjusted to this length shall be adjusted as closely as possible. An emergency-locking retractor when included in a seat belt assembly shall be locked after the adjustment for length. The buckle shall be in a location so that it does not touch the rollers during test, but to facilitate making the buckle release test in § 7.8(d) the buckle should be between the rollers or near a roller in one leg.

(4) The heads of the testing machine shall be separated at a rate between 2 and 4 inches per minute or 5 and 10 centimeters per minute until a force of 5,000±50 pounds or 2,270±20 kilograms is applied to the assembly loop. The extension of the loop shall be determined from measurements of head separation before and after the force is applied. The force shall be decreased to 150±10 pounds or 68±4 kilograms and the buckle release force measured as prescribed in § 7.8(d).

(5) After the buckle is released, the webbing shall be examined for cutting by the hardware. If the yarns are partially or completely severed in a line for a distance of 10 percent or more of the webbing width, the cut webbing shall be tested for breaking strength as specified in § 7.7(b) locating the cut in the free length between grips. If there is insufficient webbing on either side of the cut to make such a test for breaking strength, the webbing shall be repositioned in the hardware using another seat belt assembly. A tensile force of 2,500±25 pounds or 1,135±10 kilograms shall be applied to the components or a force of 5,000±50 pounds or 2,270±20 kilograms shall be applied to an assembly loop. After the force is removed, the breaking strength of the cut webbing shall be determined as prescribed above.

(6) If a Type 1 seat belt assembly includes an automatic-locking retractor or an emergency-locking retractor, the webbing and retractor shall be subjected to a tensile force of 2,500±25 pounds or 1,135±10 kilograms with the webbing fully extended from the retractor.

(b) *Type 2 seat belt assembly.* Components of three seat belt assemblies shall be tested in the following manner:

(1) The pelvic restraint between anchorages shall be adjusted to a length between 48 and 50 inches or 122 and 127 centimeters, or as near this length as possible if the design of the pelvic restraint does not permit its adjustment to this length. An emergency-locking retractor when included in a seat belt assembly shall be locked after the adjustment for length. The attachment hardware shall be oriented to the webbing as specified in paragraph (a) (2) of this section and illustrated in Figure 5. A tensile force of 2,500±25 pounds or 1,135±10 kilograms shall be applied on the components in any convenient manner and the extension between anchorages under this force shall be measured. The force shall be reduced to 75±5 pounds or 34±2 kilograms and the buckle release force measured as prescribed in § 7.8(d).

(2) The components of the upper torso restraint shall be subjected to a tensile force of 1,500±15 pounds or 680 ±5 kilograms following the procedure prescribed above for testing pelvic restraint and the extension between anchorages under this force shall be measured. If the testing apparatus permits, the pelvic and upper torso restraints may be tested simultaneously. The force shall be reduced to 75±5 pounds or 34±2 kilograms and the buckle release force measured as prescribed in § 7.8(d).

(3) Any component of the seat belt assembly common to both pelvic and upper torso restraint shall be subjected to a tensile force of 3,000±30 pounds or 1,360±15 kilograms.

(4) After the buckle is released in tests of pelvic and upper torso restraints, the webbing shall be examined for cutting by the hardware. If the yarns are partially or completely severed in a line for a distance of 10 percent or more of the webbing width, the cut webbing shall be tested for breaking strength as specified in § 7.7(b) locating the cut in the free length between grips. If there is insufficient webbing on either side of the cut to make such a test for breaking strength, the webbing shall be repositioned in the hardware using another seat belt assembly. The force applied shall be 2,500±25 pounds, or 1,135±10 kilograms for components of pelvic restraint, and 1,500±15 pounds or 680±5 kilograms for components of upper torso restraint. After the force is removed, the breaking strength of the cut webbing shall be determined as prescribed above.

(5) If a Type 2 seat belt assembly includes an automatic-locking retractor or an emergency-locking retractor, the webbing and retractor shall be subjected to a tensile force of 2,500±25 pounds or 1,135±10 kilograms with the webbing fully extended from the retractor, or to a tensile force of 1,500±15 pounds or 680±5 kilograms with the webbing fully extended from the retractor if the design of the assembly permits only upper-torso restraint forces on the retractor.

(c) *Type 3 seat belt assembly.* Three seat belt assemblies including webbing, straps, buckles, adjustment and attachment hardware and retractors shall be tested in the following manner:

(1) The testing machine shall conform to the requirements specified in § 7.7(b). A torso having the dimensions shown in Figure 6 shall be attached to one head of the testing machine through a universal joint which is guided in essentially a frictionless manner to minimize lateral forces on the testing machine. An anchorage and simulated seat back shall be attached to the other head as shown in Figure 7.

(2) The torso shall be positioned at a distance of 3 inches or 8 centimeters forward of the simulated seat back. The seat belt assembly shall be installed on the torso and anchored in accordance with installation instructions. The heads of the testing machine shall be separated at a rate of between 2 and 4 inches per minute or 5 and 10 centimeters per minute until a force of 2,000 pounds or 900 kilograms is applied. The extension of the seat belt assembly shall be determined from measurement of head separation in the testing machine before and after the force is applied. The force shall be reduced to 45±5 pounds or 20±2 kilograms and the buckle release force measured as prescribed in § 7.8(d). A seat back retainer not connected to pelvic or upper torso restraint shall be subjected separately to a force of 2,000 pounds or 900 kilograms.

(3) After the buckle is released, the webbing shall be examined for cutting by the hardware. If the yarns are partially or completely severed in a line for a distance of 10 percent or more of the webbing width, the cut webbing shall be tested for breaking strength as specified in § 7.7(b) locating the cut in the free length between grips. If there is insufficient webbing on either side of the cut to make such a test for breaking strength, the webbing shall be repositioned in the hardware using another seat belt assembly. A tensile force shall be applied to the components as follows: Webbing in pelvic or upper torso restraint—700 pounds or 320 kilograms; webbing in seat back retainer or webbing connecting pelvic and upper torso restraint to attachment hardware—1,500 pounds or 680 kilograms. After the force is removed, the breaking strength of the cut webbing shall be determined as prescribed above.

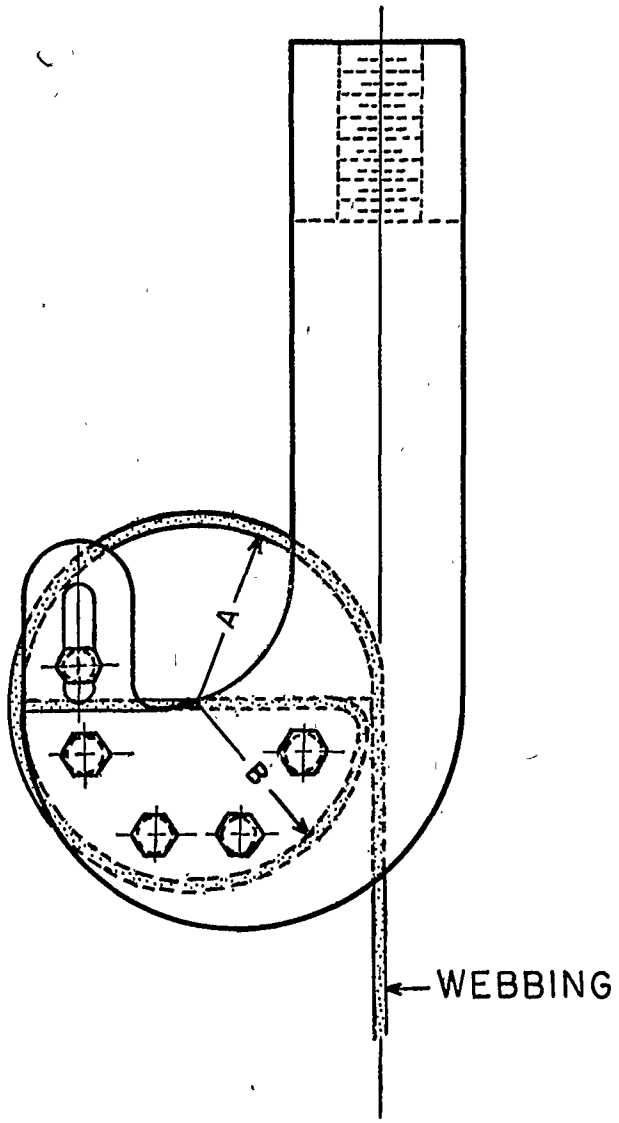
§ 7.10 Provision for changes in the standards.

Section 4 of the act provides for the possibility of changes in the standards first established pursuant to section 1 of this act. Any person, firm or organization wishing to propose a change in these standards shall submit the detailed proposal to the Director, National Bureau of Standards, U.S. Department of Commerce, Washington, D.C., 20234.

§ 7.11 Effective date.

The standards prescribed herein shall become effective upon publication in the FEDERAL REGISTER. Section 2 of the act shall take effect one year after the date of publication in the FEDERAL REGISTER.

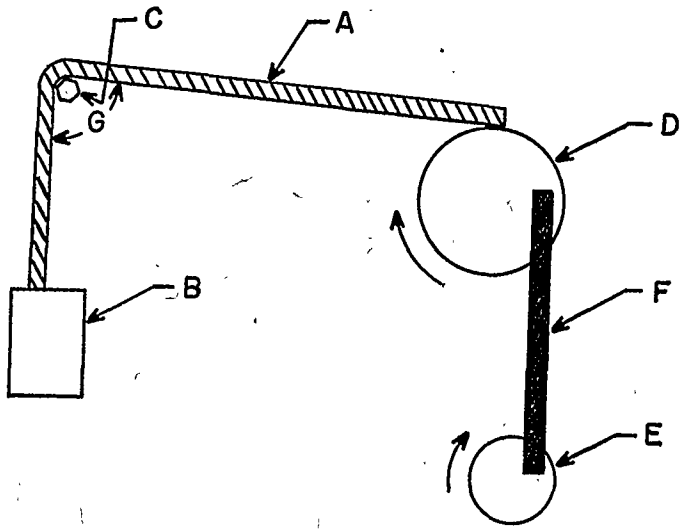
LUTHER H. HODGES,
Secretary of Commerce.



A 1 TO 2 INCHES OR 2.5 TO 5 CENTIMETERS

B A MINUS 0.06 INCH OR 0.15 CENTIMETER

FIGURE 1.



A - WEBBING

B - WEIGHT

C - HEXAGONAL ROD

STEEL - SAE 51416

ROCKWELL HARDNESS - B-97 to B-101

SURFACE - COLD DRAWN FINISH

SIZE - 0.250 ± 0.001 INCH OR
6.35 ± 0.03 MILLIMETERS

RADIUS ON EDGES - 0.024 ± 0.001 INCH OR
0.61 ± 0.03 MILLIMETERS

D - DRUM
DIAMETER - 16 INCHES OR 40 CENTIMETERS

E - CRANK

F - CRANK ARM

G - ANGLE BETWEEN WEBBING 85 ± 2 DEGREES

Figure 2

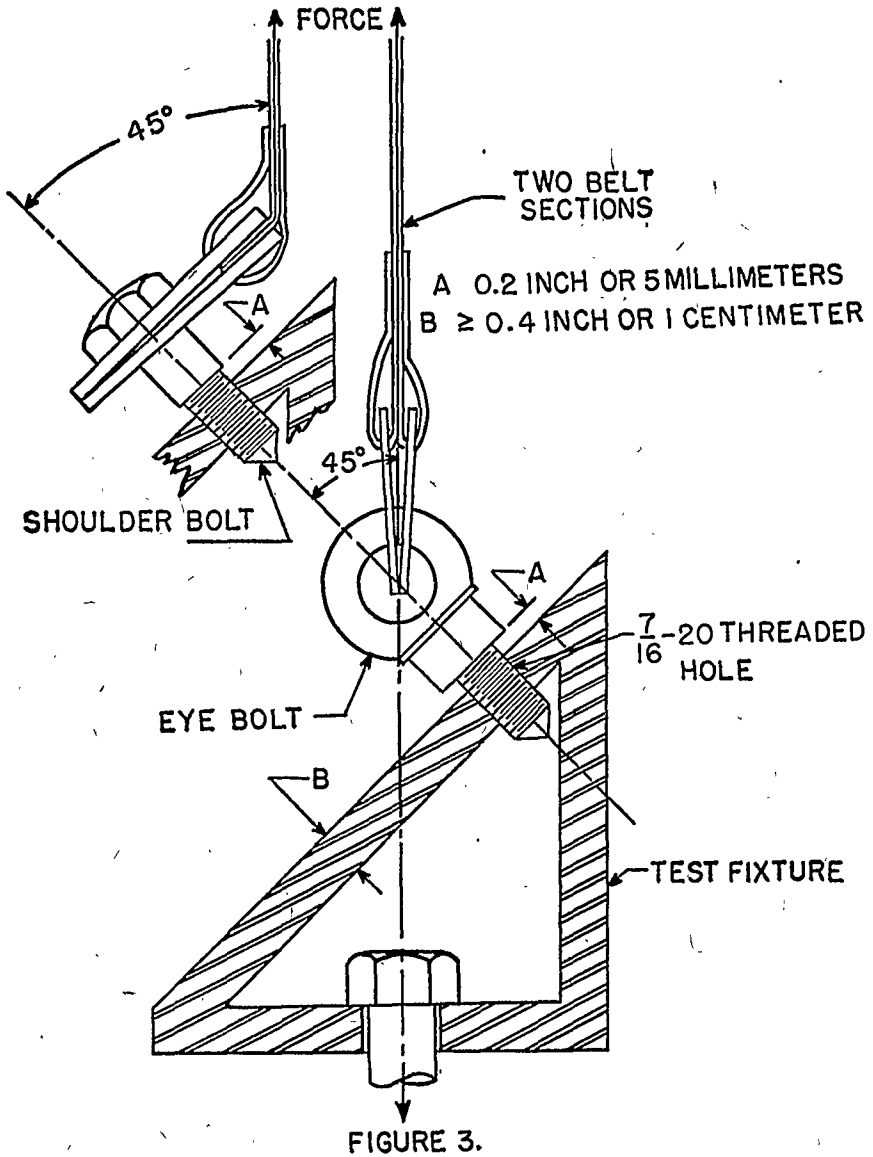


FIGURE 3.

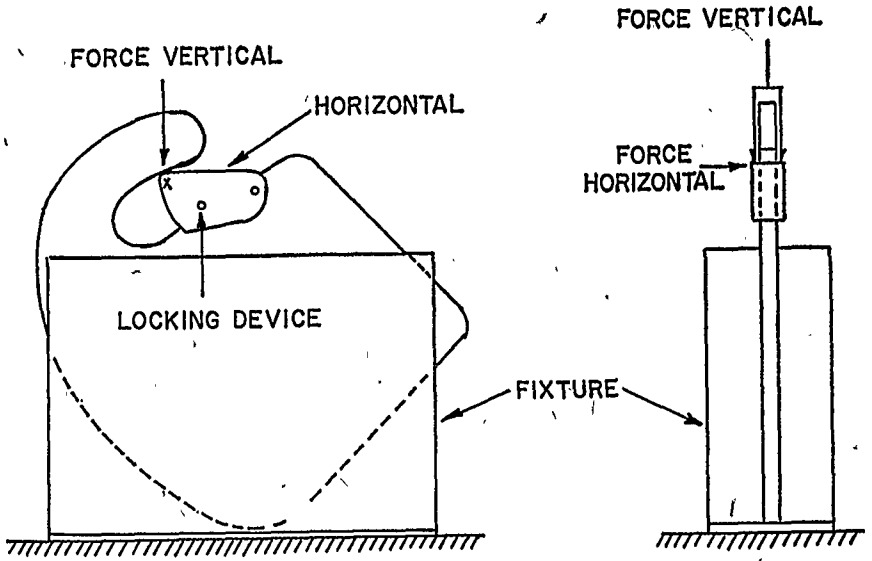
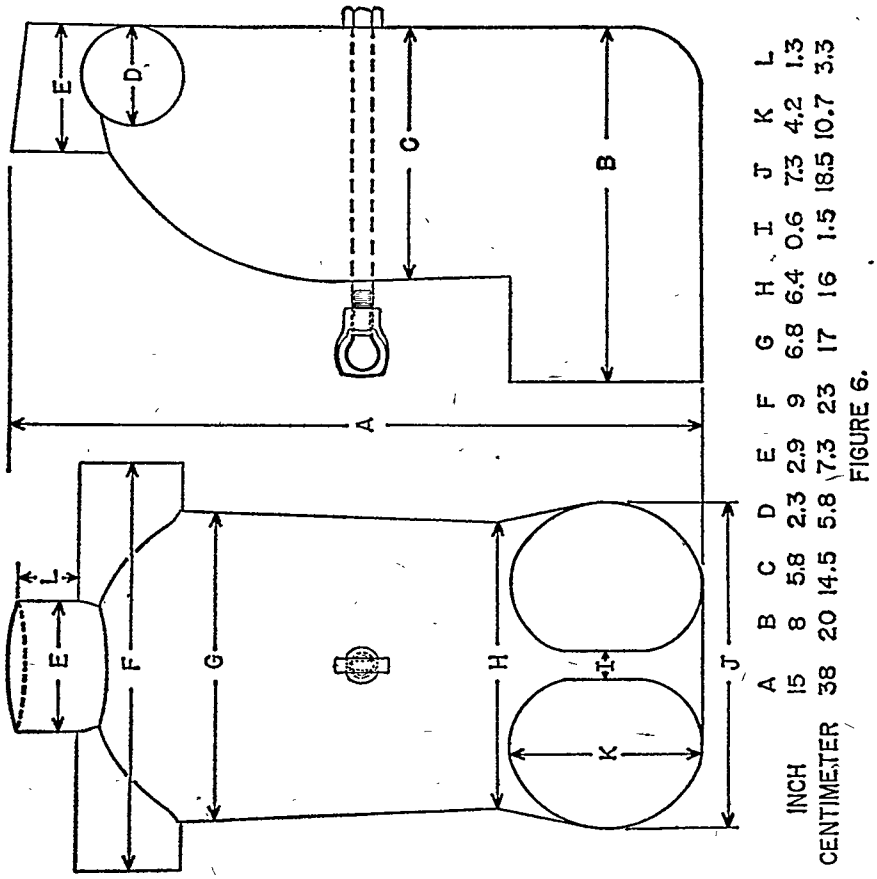


FIGURE 4
SINGLE ATTACHMENT HOOK



	A	B	C	D	E	F	G	H	I	J	K	L
INCH	15	8	5.8	2.3	2.9	9	6.8	6.4	0.6	7.3	4.2	1.3
CENTIMETER	38	20	14.5	5.8	7.3	23	17	16	1.5	18.5	10.7	3.3

FIGURE 6.

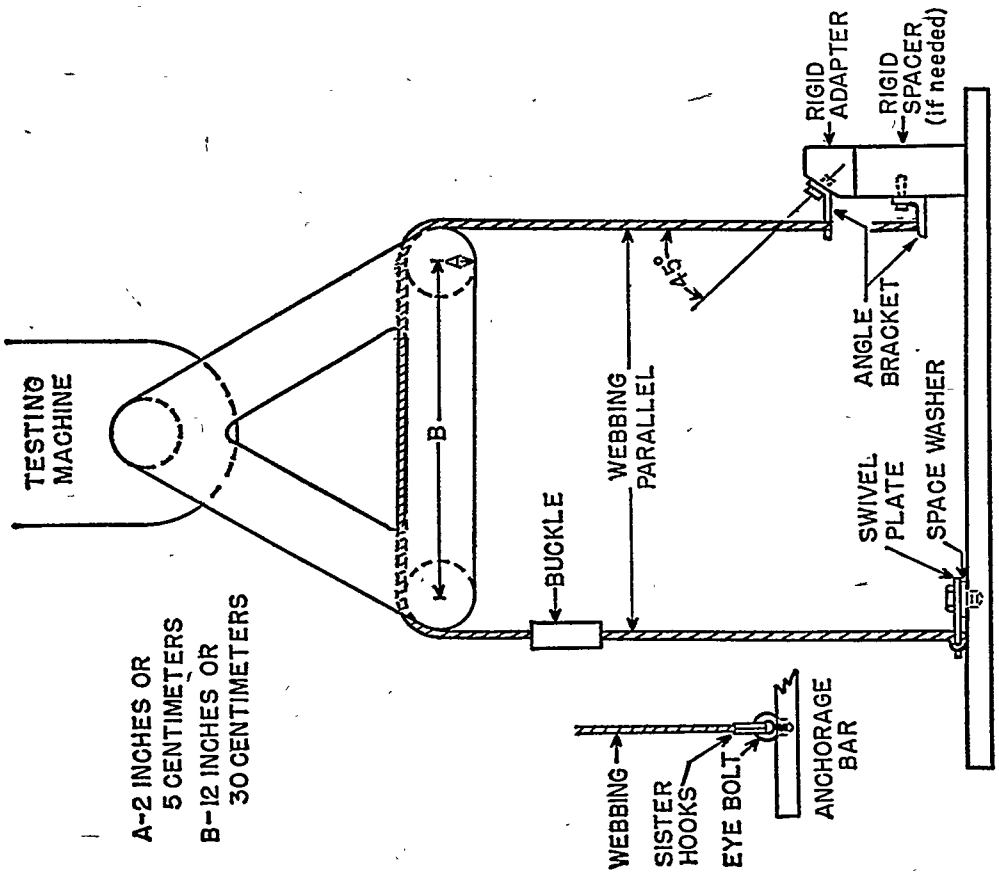
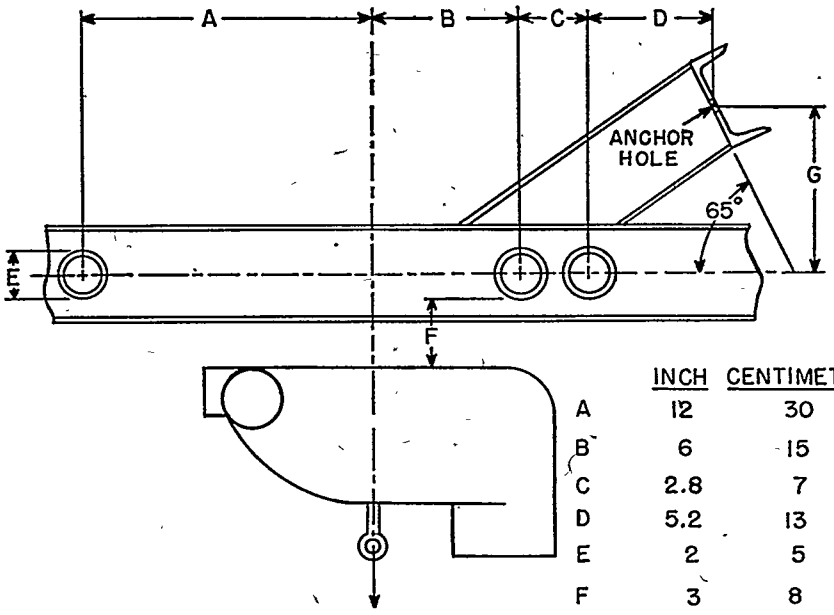


FIGURE 5.



	INCH	CENTIMETER
A	12	30
B	6	15
C	2.8	7
D	5.2	13
E	2	5
F	3	8
G	7	18

FIGURE 7.

[F.R. Doc. 64-12549; Filed, Dec. 10, 1964; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4744 etc.]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

Use of Certified Mail

The Securities and Exchange Commission has amended seventeen of its rules under the various statutes administered by the Commission to permit the use of certified mail in addition to registered mail in each of the instances covered by the rules in question.

The Commission's action is as follows:

1. Sections 230.172(c), 230.173(c), 230.262(b), 240.0-7(c), 240.15b-7(c), 260.0-9(c), 260.0-10(c), 270.0-6(c), 270.-0-7(c), 275.01(c), and 275.02(c), the provisions of all of which are identical, are each amended by adding the words "or certified" following the word "registered". As so amended, each of these sections reads as follows:

Service of any process, pleadings or other papers on the Commission under this part shall be made by delivering the requisite number of copies thereof to the Secretary of the Commission or to such other person as the Commission may authorize to act in its behalf. Whenever any process, pleadings or other papers as aforesaid are served upon the Commission, it shall promptly forward a copy thereof by registered or certified mail to the appropriate defendants at their last address of record filed with the Commission. The Commission shall be furnished a sufficient number of copies for such purpose, and one copy for its file.

2. Sections 230.261(d) and 230.610(d), the provisions of both of which are identical, are each amended by adding the words "or certified" following the word "registered". As so amended, each of these sections reads as follows:

(d) All notices required by this part shall be given to the person or persons on whose behalf the notification was filed by personal service, registered or certified mail or confirmed telegraphic notice at the addresses of such persons given in the notification.

3. Section 230.340(d) is amended by adding the words "or certified" following the word "registered". As so amended, § 230.340(d) reads as follows:

(d) All notices required by this part shall be given to the person who filed the offering sheet, and shall be given either by personal service, or by registered or certified mail, or confirmed telegraphic notice, addressed to such person at the address given in the offering sheet.

4. Section 230.656(d) is amended by adding the words "or certified" following the word "registered". As so amended, § 230.656(d) reads as follows:

(d) All notices required by this part shall be given to the issuer by personal service, registered or certified mail or confirmed telegraphic notice at the address of the issuer given in the notification.

5. Section 240.24b-2(e) is amended by adding the words "or certified" following the word "registered". As so amended, § 240.24b-2(e) reads as follows:

(e) Prior to any determination overruling the objection, if a hearing shall have been requested in accordance with paragraph (b) of this section, at least 10 days' notice of the time and place of such hearing shall be given by registered or certified mail to the person or his agent for service. Failure of any person making an application pursuant to paragraph (b) of this section, to request a hearing, to appear at such hearing, or to offer evidence at the hearing in support of his application, shall be deemed a consent by such person to the submission of his objection for determination by the Commisson. In any case in which a hearing has been held, the Commission need consider only such grounds of objection as shall have been supported by evidence adduced at the hearing and the failure at the hearing to adduce evidence in support of any ground of objection may be deemed by the Commission a waiver thereof.

6. Section 240.24b-2(h) is amended by adding the words "or certified" following the word "registered". As so amended, § 240.24b-2(h) reads as follows:

(h) If such finding and determination are made with respect to the confidential portion of an application, report, or document filed pursuant to section 12 or 13 of the Act, the registration of the securities with respect to which the application, report, or document was filed may be withdrawn at any time within fifteen days of the dispatch of notice by registered or certified mail of such finding and determination. Such withdrawal shall be effected as follows:

(1) The issuer shall file with the Commission a written notification of withdrawal.

(2) Upon receipt of such notification, the Commission will send confirmed telegraphic notice thereof to each exchange on which the securities are registered.

(3) The registration shall continue in effect until, and shall termniate on, the close of business of the tenth day after the dispatch of such telegraphic notice to the exchange by the Commission.

(4) All applications, reports, or documents filed in connection with the registration shall be retained by the Commission and the exchange on which filed, and shall be plainly marked: "Registration withdrawn as of _____ (date of termination of registration)" except that all copies of the confidential portion will be returned to the issuer.

Effective date. The Commission finds that the foregoing actions relate to agency organization or procedure and that compliance with subsections 4 (a) and (b) of the Administrative Procedure Act is unnecessary. The Commission

further finds that the foregoing amendments are not of a substantive nature and that compliance with subsection 4(c) of the Administrative Procedure Act is unnecessary. Accordingly, the foregoing action becomes effective immediately upon publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

DECEMBER 4, 1964.

[F.R. Doc. 64-12691; Filed, Dec. 10, 1964; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

PART 9—COLOR CERTIFICATION

FD&C Red No. 4

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by Title II of the Color Additives Amendments of 1960 (Title II, Public Law 86-618; 74 Stat. 404 et seq.; 21 U.S.C., note under 376) and delegated to the Commissioner of Food and Drugs (21 CFR 2.90; 29 F.R. 471), the transitional color additive regulations and the color certification regulations are amended as set forth below:

§ 8.501 [Amended]

1. Section 8.501 *Provisional lists of color additives* is amended in the following respects:

a. In paragraph (a), the item "FD&C Red No. 4 (§9.63 of this chapter)" is deleted.

b. Paragraph (c) is amended by inserting a new item after "Ext. D&C Red No. 15 * * *", as follows:

	Closing date	Restrictions
* * *	* * *	* * *
Ext. D&C Red No. 24 (§ 9.363 of this chapter).	July 1, 1965	----------
* * *	* * *	* * *

2. Section 8.502 is amended by adding thereto a new paragraph (d), as follows:

§ 8.502 **Termination of provisional listings of color additives.**

* * * * *

(d) *FD&C Red No. 4.* Feeding tests of this color additive have been conducted with three species:

(1) Rats of the Osborne-Mendel and Sprague-Dawley strains were fed FD&C Red No. 4 for 2 years at levels of 5 percent, 2 percent, 1 percent, and 0.5 percent of the diet. No effect was found.

(2) Mice of the C3Hf and C57BL strains were fed FD&C Red No. 4 for 2 years at levels of 2 percent and 1 percent of the diet. No effect was found.

(3) Dogs were fed FD&C Red No. 4 at levels of 2 percent and 1 percent of the diet. Adverse effects were found at both levels in the urinary bladder and in the adrenals. Three dogs of five fed on the 2-percent level died after 6 months, 9 months, and 5½ years on the test. Two of the dogs on the 2-percent level and all five of the dogs on the 1-percent level survived to the completion of the 7 year study.

The Commissioner of Food and Drugs has concluded that the data available to him do not permit the establishment of a safe level of use of this color additive for a long period of time in food and in ingested drugs and cosmetics. In order to protect the public health, the Commissioner hereby terminates the provisional listing of FD&C Red No. 4 (§ 9.63 of this chapter) for use in food and in drugs and cosmetics that may be ingested. The Commissioner does not find that the facts now before him require a prohibition of the use of FD&C Red No. 4 in drugs and cosmetics which are not ingested and the provisional listing with respect to these uses remains in effect.

3. Section 8.510 is amended by adding thereto a new paragraph (c), as follows:

§ 8.510 **Cancellation of certificates.**

* * * * *

(c) Certificates issued heretofore for the color additive designated FD&C Red No. 4 (§ 9.63 of this chapter) and of all mixtures containing this color additive are cancelled effective 180 days after the date of the publication of this order insofar as food and ingested drugs and cosmetics are concerned, and use of this color additive in the manufacture of food and ingested drugs and cosmetics after that date will result in adulteration. The certificates shall continue in effect for the use of this color additive in drugs and cosmetics which are not ingested. The Commissioner finds that no action needs to be taken to remove food and ingested drugs and cosmetics containing this color additive from the market on the basis of the scientific evidence before him, taking into account that the additive is not an acutely toxic substance and that it is used only in small amounts in food and ingested drugs and cosmetics.

4. Part 9 is amended by deleting § 9.63 *FD&C Red No. 4* from Subpart B and by adding to Subpart D the following new section:

§ 9.363 **External D&C Red No. 24.**

Disodium salt of 2-(5-sulfo-2,4-xylylazo)-1-naphthol-4-sulfonic acid.

Volatile matter (at 135° C.), not more than 10.0 percent.

Water-insoluble matter, not more than 0.3 percent.

Ether extracts, not more than 0.2 percent.

Chlorides and sulfates of sodium, not more than 5.0 percent.

Mixed oxides, not more than 1.0 percent.

Subsidiary dyes, not more than 5.0 percent.

Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

Notice and public procedure are not necessary prerequisites to the promulgation of this order because section 203(d)(2) of the Public Law 86-618 so provides.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Title II, Public Law 86-618; 74 Stat. 404 et seq.; 21 U.S.C., note under 376)

Dated: December 7, 1964.

JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-12736; Filed, Dec. 10, 1964; 8:49 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 42—EGGS AND EGG PRODUCTS

Amendment of Identity Standards To Provide for Glucose Removal

In the matter of amending the standards of identity for dried whole eggs and dried egg yolks to provide for glucose removal:

Notices of proposed rule making in the above-identified matter were published in the FEDERAL REGISTER on March 28, 1964 (29 F.R. 4099) and May 28, 1964 (29 F.R. 7029). The first notice set forth a proposal by Fermco Laboratories, Inc., 4941 South Racine Avenue, Chicago, Ill., to amend the standards to provide for the optional use of an enzymatic method of removing glucose from liquid whole eggs and egg yolks before drying. The second notice set forth a proposal by Armour and Company, 401 North Wabash Avenue, Chicago, Ill., to amend the standards to give recognition to a yeast-fermentation method for glucose removal. Both proposals provided for label declaration when either of the two methods is used.

On the basis of the relevant information available, giving due consideration to comments filed, it is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the standards for dried eggs and for dried egg yolks to permit glucose removal by the methods proposed. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 72 Stat. 948; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs (21 CFR 2.90; 29 F.R. 471): *It is ordered,* That the standards of identity for dried whole eggs and dried egg yolks be revised to read as follows:

§ 42.30 **Dried eggs, dried whole eggs; identity; label statement of optional ingredients.**

(a) Dried eggs, dried whole eggs are prepared by drying liquid eggs. They may be powdered. Before drying, the glucose content of the liquid eggs may be reduced by one of the optional procedures set out in paragraph (b) of this section. Sodium silicoaluminate may be added as an optional anticaking ingredient, but the amount used is less than 2 percent

by weight of the finished food. The moisture content of the finished food, if the optional anticaking ingredient is used, does not exceed 5 percent by weight; however, if the optional anticaking ingredient is not used the moisture content may exceed 5 percent, but it does not exceed 8 percent. The moisture content is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," Ninth Edition, 1960, sections 16.002 and 16.003, under "Total Solids."

(b) The optional glucose-removing procedures are:

(1) *Enzyme procedure.* A glucose-oxidase-catalase preparation and hydrogen peroxide solution are added to the liquid eggs. The quantity used and the time of reaction are sufficient to substantially reduce the glucose content of the liquid eggs. The glucose-oxidase-catalase preparation used is one that is generally recognized as safe within the meaning of section 201(s) of the Federal Food, Drug, and Cosmetic Act. The hydrogen peroxide solution used shall comply with the specifications of the United States Pharmacopeia, except that it may exceed the concentration specified therein and it does not contain a preservative.

(2) *Yeast procedure.* The pH of the liquid eggs is adjusted to the range of 6.0 to 7.0, if necessary, by the addition of dilute, chemically pure hydrochloric acid, and controlled fermentation is maintained by adding food-grade baker's yeast (*Saccharomyces cerevisiae*). The quantity of yeast used and the time of reaction are sufficient to substantially reduce the glucose content of the liquid eggs.

(c) The name of the food for which a definition and standard of identity is prescribed by this section is "Dried eggs" or "Dried whole eggs," and if the glucose content was reduced, as provided in paragraph (b) of this section, the name shall be followed immediately by the statement "Glucose removed for stability" or "Stabilized, glucose removed."

(d) (1) When the optional anticaking ingredient sodium silicoaluminate is used, the label shall bear the statement "Less than 2 percent sodium silicoaluminate added as an anticaking agent."

(2) The name of any optional ingredient used, as provided in subparagraph (1) of this paragraph, shall be listed on the principal display panel or panels of the label with such prominence and conspicuousness as to render such statement likely to be read and understood by the ordinary individual under customary conditions of purchase.

§ 42.60 Dried egg yolks, dried yolks; identity; label statement of optional ingredients.

(a) Dried egg yolks, dried yolks is the food prepared by drying egg yolks. Before drying, the glucose content of the liquid egg yolk may be reduced by one of the optional procedures set out in paragraph (b) of this section. Sodium silicoaluminate may be added as an optional anticaking ingredient, but the amount used is less than 2 percent by weight of the finished food. The moisture content of the finished food, if the optional anticaking ingredient is used, does not exceed 3 percent by weight; however, if the optional anticaking ingredient is not used, the moisture content may exceed 3 percent but it does not exceed 5 percent. The moisture content is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," Ninth Edition, 1960, sections 16.002 and 16.003, under "Total Solids."

(b) The optional glucose-removing procedures are:

(1) *Enzyme procedure.* A glucose-oxidase-catalase preparation and hydrogen peroxide solution are added to the liquid yolks. The quantity used and the time of reaction are sufficient to substantially reduce the glucose content of the liquid egg yolks. The glucose-oxidase-catalase preparation used is one that is generally recognized as safe within the meaning of section 201(s) of the Federal Food, Drug, and Cosmetic Act. The hydrogen peroxide solution used shall comply with the specification of the United States Pharmacopeia, except that it may exceed the concentration specified therein and it does not contain a preservative.

(2) *Yeast procedure.* The pH of the liquid egg yolks is adjusted to the range of 6.0 to 7.0, if necessary, by the addition of dilute, chemically pure hydrochloric acid, and controlled fermentation is maintained by adding food-grade baker's yeast (*Saccharomyces cerevisiae*). The quantity of yeast used and the time of reaction are sufficient to substantially reduce the glucose content of the liquid egg yolks.

(c) The name of the food for which a definition and standard of identity is prescribed by this section is "Dried egg yolks," or "Dried yolks," and if the glucose content was reduced, as provided in paragraph (b) of this section, the name shall be followed immediately by the statement "Glucose removed for stability" or "Stabilized, glucose removed."

(d) (1) When the optional anticaking ingredient sodium silicoaluminate is used, the label shall bear the statetment "Less than 2 percent sodium silicoaluminate added as an anticaking agent."

(2) The name of any optional ingredient used, as provided in subparagraph (1) of this paragraph, shall be listed on the principal display panel or panels of the label with such prominence and conspicuousness as to render such statement likely to be read and understood by the ordinary individual under customary conditions of purchase.

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 948; 21 U.S.C. 341, 371)

Dated: December 4, 1964.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 64-12737; Filed, Dec. 10, 1964; 8:49 a.m.]

SUBCHAPTER C—DRUGS

PART 144—ANTIBIOTIC DRUGS; EXEMPTIONS FROM LABELING AND CERTIFICATION REQUIREMENTS

PART 148c—COLISTIN

Miscellaneous Amendments; Corrections

Because of the recodification of certain portions of the antibiotic regulations, the following corrections are necessary in the amendatory language in F.R. Doc. 64-11924, published in the FEDERAL REGISTER of November 21, 1964 (29 F.R. 15644).

In amendment 1, the reference to § 146.26(b) should read "§ 144.26(b)."

In amendment 3, the reference to § 148.4 should read "§ 146.2(c)."

(Sec. 507, 52 Stat. 463 as amended; 21 U.S.C. 357)

Dated: December 4, 1964.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 64-12738; Filed, Dec. 10, 1964; 8:49 a.m.]

Title 27—INTOXICATING LIQUORS

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6776]

PART 4—LABELING AND ADVERTISING OF WINE

Labeling of Wine Containing Volatile Fruit-Flavor Concentrates

This Treasury decision amends the following provisions of the regulations in 27 CFR Part 4, Labeling and Advertising of Wine, to make them consistent with provisions of the Internal Revenue Code as amended by Public Law 88-653, 78 Stat. 1085, approved October 13, 1964.

PARAGRAPH 1. In order to recognize the use of volatile fruit-flavor concentrates in standard wines within the limitations prescribed by section 5382 of the Internal Revenue Code:

(A) Section 4.21(h) (1) (iii) is amended to read as follows:

§ 4.21 The standards of identity.

* * * * *

(h) *Class 8; imitation and substandard wine.* (1) * * *

(iii) Any class or type of wine the taste, aroma, color, or other characteristics of which have been acquired in whole or in part, by treatment with methods or materials of any kind (except as permitted in § 4.22(c) (6)), if the taste, aroma, color, or other characteristics of normal wines of such class or type are acquired without such treatment.

* * * * *

(B) Section 4.22(c) is amended by adding at the end thereof a new subparagraph (6) reading as follows:

§ 4.22 Blends, cellar treatment, alteration of class or type.

* * * * *

(c) * * *

(6) Treatment of any class or type of wine involving the use of volatile fruit-flavor concentrates in the manner provided in section 5382 of the Internal Revenue Code.

Public Law 88-653, which authorized the use of volatile fruit-flavor concentrate in wine, and the transfer of such concentrate from volatile fruit-flavor concentrate plants to bonded wine cellars, was approved October 13, 1964, and becomes effective December 1, 1964. Treasury Decision 6769, approved November 3, 1964, and effective December 1, 1964, amended the Wine regulations (26 CFR Part 240) and Production of Volatile Fruit-Flavor Concentrates regulations (26 CFR Part 198) to implement this provision of law. Because this Treasury decision merely conforms the regulations to Public Law 88-653, and should become effective at the same time as the statute, it is considered impracticable and unnecessary to comply with the notice and hearing requirements of section 5 of the Federal Alcohol Administration Act, approved August 29, 1935, and the public rulemaking and effective date requirements of section 4 (a) and (c) of the Administrative Procedure Act, approved June 11, 1946. Accordingly, this Treasury decision shall become effective on December 1, 1964.

(Sec. 5, Federal Alcohol Administration Act (49 Stat. 981, as amended; 27 U.S.C. 205))

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

Approved: December 7, 1964.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-12673; Filed, Dec. 10, 1964; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 536—CLAIMS AGAINST THE UNITED STATES

Burial Expenses

1. In § 536.50, subdivision (iv) of paragraph (b) (1) is revised; subdivision (ii) of paragraph (c) (1) is revised; and paragraph (e) (5) is revised, to read as follows:

§ 536.50 Eligible deceased and authorized benefits.

* * * * *

(b) *Civilian Army employee.* * * *

(1) * * *

(iv) Transportation of remains to decedent's home or official station or such place as the Chief of Support Services may deem appropriate provided such transportation does not exceed cost of transportation to home or official station, whichever is greater.

* * * * *

(c) *Dependents.* (1) * * *

(ii) Transportation of remains to decedent's home or such place as the Chief of Support Services may deem appropriate.

* * * * *

(e) *Indigent persons.* * * *

(5) Transportation of remains to a cemetery designated by the Chief of Support Services.

* * * * *

2. Paragraph (f) of § 536.51 is revised to read as follows:

§ 536.51 Persons authorized to direct disposition of remains.

* * * * *

(f) Cases in which evaluation of legal documents is required to determine disposition rights, or in which other legal problems exist, may be referred to the Chief of Support Services for review and opinion provided resolution within the command is not possible.

3. In § 536.52, paragraph (a) (3), (4) (iv) and (7) is revised, and paragraph (b) (1), (2) and (4) is revised, to read as follows:

§ 536.52 Arrangements for disposition of remains.

(a) *The Army arranges for mortuary services.* * * *

(3) Army authorities at or nearest the place of death will be responsible for making all required reports to the Chief of Support Services and to immediately advise the official permanent station of the decedent concerning services and information furnished and assistance rendered to relatives or funeral directors.

* * * * *

(4) * * *

(iv) The Chief of Support Services.

* * * * *

(7) The installation shipping remains to the final destination will furnish next of kin five copies of DD Form 1375 (Request for Payment of Funeral and/or Interment Expenses). The forms may be carried by the escort, or they may be included with the shipping permit or other papers accompanying the remains. Completed forms are returned to the shipping installation for payment.

(b) *Next of kin arranges for mortuary services.* (1) When next of kin (after being properly advised) declines services and supplies offered by Army authorities and desires to engage their own funeral director, all cost for mortuary services and supplies, shipment of remains, and interment is a responsibility of the next of kin. However, Army authorities are responsible to advise next of kin of their right to request reimbursement for funeral, interment, and transportation expenses, and for providing DD Form 1375.

(2) When next of kin arranges for disposition of remains, reimbursement for funeral, interment, and transportation expenses may be obtained by the person who paid the bill of the funeral director, or the funeral director concerned may obtain payment, by submitting properly completed DD Form 1375, in quadruplicate, to the Chief of Support Services, ATTN: Memorial Division, Department of the Army, Washington, D.C., 20315. Upon receipt of completed forms, the Chief of Support Services will determine the amount to be allowed and will authorize payment in the amount found allowable.

* * * * *

(4) When next of kin assume custody of remains and make all arrangements, Army authorities are relieved of responsibility to inspect remains, to submit DA Form 2774 (Record of Preparation and Disposition of Remains—Deaths Occurring in CONUS) or DA Form 2775 (Record of Preparation and Disposition of Remains—Deaths Occurring Overseas).

4. In § 536.53, paragraphs (h) (2) (i) and (k) (3) are revised to read as follows:

§ 536.53 Scope of mortuary benefits.

* * * * *

(h) *Transportation.* * * *

(2) * * *

(i) *At Government expense.* The following listed deceased personnel may be shipped at Government expense to the destinations indicated:

(*a*) Military personnel described in § 536.50 (a) and (f) to any place selected by the next of kin or other person directing disposition of the remains.

(*b*) Civilian employees described in § 536.50(b) to the decedent's home or official station or such place as the Chief of Support Services may deem appropriate, provided cost of transportation does not exceed cost of transportation to the home or official station, whichever is greater. When an employee in a category specified in § 536.50(b) dies while temporarily absent from temporary duty station, transportation of remains to the authorized destination will not exceed the amount which would have been allowable had death occurred at

the point from which decedent departed on such temporary absence.

(c) Dependents described in § 536.50 (c) (1) to the decedents' home or such place as the Chief of Support Services may deem appropriate.

(d) Indigents described in § 536.50(e) to a cemetery designated by the Chief of Support Services by the most economical means.

(e) Enemy prisoners and aliens described in § 536.50(g) to a cemetery or other place designated by the Chief of Support Services.

* * * * *

(k) *Interment.* * * *

(3) Interment of indigents, enemy prisoners, and aliens who die in Army custody is authorized at reasonable cost in a cemetery designated by the Chief of Support Services.

5. In § 536.55(a) (1), subdivisions (ii), (iii), and (iv) are revised to read as follows:

§ 536.55 Transportation of remains.

(a) *Eligible deceased who are authorized transportation—At Government expense.* (1) * * *

(ii) Civilian employees cited in § 536.50(b) to the decedent's home or official station or such place as the Chief of Support Services may deem appropriate provided such transportation does not exceed cost of transportation to home or official station, whichever is greater.

(iii) Dependents of members and certain civilian employees of the Army cited in § 536.50(c) (1) to the decedent's home or such other place determined by the Chief of Support Services to be the appropriate place of interment.

(iv) Indigent persons, enemy prisoners and aliens cited in § 536.50 (e) and (g) to a cemetery designated by the Chief of Support Services.

* * * * *

6. In § 536.57, paragraph (e) (1) and (3) is revised to read as follows:

§ 536.57 Government headstones and markers.

* * * * *

(e) *Application for headstone or marker*—(1) *Private or civilian cemetery.* If burial is in a private or civilian cemetery, the next of kin (or other interested individual) may obtain a regulation Government headstone or marker, without cost, to mark the grave of an eligible deceased person by submitting an application to the Chief of Support Services, ATTN: Memorial Division, Washington, D.C., 20315. Application may be made on DD Form 1330 which will be furnished by the person escorting the remains to the place of burial, the survivor Assistance Officer, or through local national veterans organizations.

* * * * *

(3) *Memorial headstone or marker.* The next of kin may obtain, without cost, a memorial headstone or marker for eligibles cited in paragraph (c) (2) of this section, upon application on DD Form 1330 to the Chief of Support Services, ATTN: Memorial Division, Washington, D.C., 20315.

* * * * *

[AR 638-40, February 20, 1964] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

[SEAL] J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 64-12702; Filed, Dec. 10, 1964; 8:47 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Reg. 1; Rev. 4, Amdt. 3]

OI REG. 1—OIL IMPORT REGULATION

Miscellaneous Amendments

Sections 10 and 11 relating to allocations of crude oil and unfinished oils in Districts I–IV and in District V have been revised in the light of the levels of authorized imports established pursuant to section 2 of Proclamation 3279, as amended, for the allocation period beginning January 1, 1965.

1. Section 10 of Oil Import Regulation 1 (Revision 4) (29 F.R. 8170) is amended to read as follows:

Sec. 10. Allocations of crude oil and unfinished oils—Districts I–IV.

(a) The quantity of imports of crude oil and unfinished oils determined to be available for allocation in Districts I–IV for the allocation period January 1, 1965 through June 30, 1965, shall be allocated by the Administrator among eligible applicants as provided in paragraphs (b) and (c) of this section.

(b) Except as provided in paragraph (c) of this section, each eligible applicant shall receive an allocation based on refinery inputs for the year ending September 30, 1964, and computed according to the following schedule:

Average B/D input	*Percent of input*
0–10,000	17.0
10,000–30,000	11.6
30,000–100,000	9.2
100,000 plus	5.53

(c) (1) Except as provided in subparagraph (2) of this paragraph, if an eligible applicant imported crude oil pursuant to an allocation under the Voluntary Oil Import Program and if an allocation computed under paragraph (b) of this section would be less than 59.0 percent of the applicant's last allocation of imports of crude oil under the Voluntary Oil Import Program, the applicant shall, nevertheless, receive an allocation under this section equal to 59.0 percent of his last allocation of imports of crude oil under the Voluntary Oil Import Program.

(2) If an applicant imported crude oil pursuant to an allocation under the Voluntary Oil Import Program which reflected imports of crude oil that would now be exempt from restrictions pursuant to clause (4) of paragraph (a) of section 1 of Proclamation 3279, as amended, and if an allocation computed under paragraph (b) of this section would be less than 49.75 percent of the applicant's last allocation of imports of crude oil under the Voluntary Oil Import Program, the applicant shall, nevertheless, receive an allocation under this section equal to 49.75 percent of his last allocation of imports of crude oil under the Voluntary Oil Import Program.

(d) No allocation made pursuant to this section shall entitle a person to a license which will allow the importation of unfinished oils in excess of 10 percent of the allocation.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

2. Section 11 of Oil Import Regulation 1 (Revision 4) (29 F.R. 8170) is amended to read as follows:

Sec. 11. Allocations of crude oil and unfinished oils—District V.

(a) The quantity of imports of crude oil and unfinished oils determined to be available for allocation in District V for the allocation period January 1, 1965 through June 30, 1965, shall be allocated by the Administrator among eligible applicants as provided in paragraphs (b) and (c) of this section.

(b) Except as provided in paragraph (c) of this section, each eligible applicant shall receive an allocation based on refinery inputs for the year ending September 30, 1964, and computed according to the following schedule:

Average B/D input	*Percent of input*
0–10,000	60.0
10,000–30,000	33.7
30,000–100,000	20.4
100,000 plus	14.1

(c) (1) Except as provided in subparagraph (2) of this paragraph, if an eligible applicant imported crude oil pursuant to an allocation under the Voluntary Oil Import Program and if an allocation computed under paragraph (b) of this section would be less than 51.0 percent of the applicant's last allocation of imports of crude oil under the Voluntary Oil Import Program, the applicant shall, nevertheless, receive an allocation under this section equal to 51.0 percent of his last allocation of imports of crude oil under the Voluntary Oil Import Program.

(2) If an applicant imported crude oil pursuant to an allocation under the Voluntary Oil Import Program which reflected imports of crude oil that would now be exempt from restrictions pursuant to clause (4) of paragraph (a) of section 1 of Proclamation 3279, as amended, and if an allocation computed under paragraph (b) of this section would be less than 46.0 percent of the applicant's last allocation of imports of crude oil under the Voluntary Oil Import Program, the applicant shall, nevertheless, receive an allocation under this section equal to 46.0 percent of his last allocation of imports of crude oil under the Voluntary Oil Import Program.

(d) (1) No allocation made pursuant to this section shall entitle a person to a license which will allow the importation of unfinished oils in excess of 10 percent

of the allocation. Each barrel of unfinished oil imported shall be deemed to be the equivalent of one barrel of crude oil and will be so charged against the person's license by the respective Collectors of Customs.

(2) The permissible percentage of imports of unfinished oils and the equivalence of unfinished oils to crude oil may be changed during the allocation period, if necessary to prevent impairing accomplishment of the purposes of the program. Such a change will be made only after notice of proposed rule making and will not become effective until the 30th calendar day following publication in the FEDERAL REGISTER of the Amendment making such change.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

Because allocations must be made and licenses issued for the allocation period beginning January 1, 1965, it is impracticable to give notice of proposed rule making on, or to delay the effective date of, this amendment. Accordingly, this amendment shall become effective immediately.

STEWART L. UDALL,
Secretary of the Interior.

DECEMBER 9, 1964.

[F.R. Doc. 64-12788; Filed, Dec. 10, 1964; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3510]

[Idaho 014480]

IDAHO

Withdrawal for National Forest Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following-described national forest lands are hereby withdrawn from appropriation under the United States mining laws (Chap. 2, Title 30 U.S.C.), in aid of programs of the Department of Agriculture:

BOISE MERIDIAN

CARIBOU NATIONAL FOREST

Trail Canyon Recreation Site

T. 8 S., R. 43 E.,
Sec. 29, NW¼NE¼NE¼, N½NW¼NE¼, NE¼NE¼NW¼, and S½NE¼NW¼.

CHALLIS NATIONAL FOREST

Joes Gulch-Four Acres Campground

T. 11 N., R. 13 E.,
Sec. 35, lot 1, except north 30 acres; lot 3, except north 10 acres; lot 5, except south 20 acres.

Salmon River Camping Area

T. 11 N., R. 14 E.,
Sec. 30, lot 1, except west 15 acres; lot 4, except west 10 acres; lot 5; lot 6, except south 20 acres; lots 7 and 8; lot 9, except northwest 10 acres; lot 11; lot 13, except southeast 10 acres.

Snowslide Campground

T. 11 N., R. 14 E.,
Sec. 20, lots 3 and 6.

Cove Campground

T. 11 N., R. 14 E.,
Sec. 22, lot 3, except north 30 acres.

Sunny Gulch Campground

T. 10 N., R. 13 E.,
Sec. 23, lots 4 and 5;
Sec. 26, lots 3 and 4, except south 20 acres; lot 5, except south 20 acres.

The areas described aggregate approximately 492 acres.

2. The withdrawal made by the order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

DECEMBER 7, 1964.

[F.R. Doc. 64-12703; Filed, Dec. 10, 1964; 8:47 a.m.]

[Public Land Order 3511]

[Wyoming 0248350]

WYOMING

Withdrawal for Meeks Cabin Dam and Reservoir

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 338; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Chap. 2, Title 30 U.S.C.), but not from leasing under the mineral leasing laws, and reserved for the Meeks Cabin Dam and Reservoir:

SIXTH PRINCIPAL MERIDIAN

T. 12 N., R. 117 W.,
Sec. 10, NE¼SE¼SE¼ and S½SE¼SE¼;
Sec. 14, W½NW¼NE¼, NW¼, W½SW¼, W½E½SW¼ and N½NE¼NE¼SW¼;
Sec. 22, E½E½ of lot 1, E½NE¼ and E½E½NE¼SE¼.

The areas described aggregate approximately 435 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

DECEMBER 7, 1964.

[F.R. Doc. 64-12704; Filed, Dec. 10, 1964; 8:47 a.m.]

[Public Land Order 3512]

[Nevada 059798]

NEVADA

Withdrawal for Proposed Southern Nevada Water Supply Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Chapter 2, Title 30 U.S.C.), but not from leasing under the mineral leasing laws, and reserved for the proposed Southern Nevada Water Supply Project:

MOUNT DIABLO MERIDIAN

T. 21 S., R. 62 E.,
Sec. 23, NE¼, NE¼NW¼ and E½SE¼;
Sec. 24;
Sec. 25, E½NE¼, NW¼NE¼, NE¼NW¼, S½SW¼ and SW¼SE¼;
Sec. 35, E½NE¼NW¼, N½NE¼, SW¼SW¼ and E½SW¼.
T. 21 S., R. 63 E.,
Sec. 19;
Sec. 20, all except those lands included in Patented Mineral Survey 4808;
Sec. 21, N½, SW¼, N½SE¼ and SW¼SE¼;
Sec. 22, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 25;
Sec. 26, lots 1, 2, 3, 4, N½ and N½S½;
Sec. 27;
Sec. 28, SE¼NE¼, N½NW¼, W½SW¼, SE¼SW¼ and SE¼;
Sec. 29, N½NE¼, NW¼ and S½S½;
Sec. 30, lots 1, 2, 4, NE¼, E½NW¼, SE¼SW¼ and S½SE¼;
Sec. 34, lots 1 to 6 inclusive, W½NE¼ and W½;
Sec. 35, lots 1 to 7 inclusive, lot 10, and SE¼SE¼;
Sec. 36.
T. 22 S., R. 63 E.,
Secs. 1, 2 and 3;
Secs. 10 to 15 inclusive.
Secs. 22, 23, 26 and 35.
T. 23 S., R. 63 E.,
Sec. 2, lots 3, 5, 6, 7, 11 to 15 inclusive, and 18, and S½SW¼;
Sec. 11, lot 1 and that portion of lot 2 lying west of the east boundary of U.S. Highway 95.
T. 22 S., R. 63½ E.,
Secs. 1, 12 and 13.

The areas described aggregate approximately 18,370 acres.

2. The use and administration of the lands affected by this order will become subject to the provisions of the reclamation laws, supra, including the use of the lands under lease, license, or permit, at such time as the Southern Nevada Water Supply Project is authorized by Congress.

3. Pending authorization of the Southern Nevada Water Supply Project, the withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit or the disposal of their mineral and vegetative resources, other than under the mining laws, subject to the condition that such use or

disposition will not be inconsistent with the reclamation laws and the purposes for which the lands are withdrawn.

JOHN A. CARVER, Jr.,
Secretary of the Interior.

DECEMBER 7, 1964.

[F.R. Doc. 64-12705; Filed, Dec. 10, 1964; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 80—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Correction

In F.R. Doc. 64-12539, appearing at page 16298 of the issue for Friday, December 4, 1964, the following changes are made:

1. On page 16300, third column, the parenthetical phrase in the second line of § 80.5(b) is changed to read "(P.L. 815 and P.L. 874)".

2. On page 16303, first column, immediately above the last line of text, a section headnote is inserted reading as follows:

§ 80.13 Definitions.

3. On page 16304, first column, in the fifth line of item 27, the Code citation is changed to read "42 U.S.C. 1857b".

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15542; FCC 64-1115]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Hialeah, Fla.; Olean, N.Y.; Cadillac and Traverse City, Mich.; Ionia, St. Johns, and Grand Haven, Mich.; Monticello and Jamestown, Ky.; Beaumont and Port Arthur, Tex.; Holly Springs, Miss.; Santa Rosa, N. Mex.; Franklin, N.C.; Fairfield and Lodi, Calif.; Brownwood, Tex.; Kewanee, Ill.; Fort Dodge, Carroll, and Charles City, Iowa.; Celina, Ohio; Connellsville and Uniontown, Pa.; New Martinsville, W. Va.), Docket No. 15542, RM-568, RM-584, RM-585, RM-588, RM-590, RM-592, RM-593, RM-598, RM-601, RM-602, RM-604, RM-608, RM-609, RM-612.

First report and order. 1. The Commission has before it for consideration its notice of proposed rule making, released July 8, 1964, (FCC 64-613), proposing a number of changes in the FM Table of Assignments. In the present document we deal with most, but not all, of the proposals contained in the notice; the remainder will be dealt with shortly.

2. A number of statements were filed in response to the proposals set out in the notice. All duly filed documents were considered in making the following determinations. No oppositions were filed to any of the proposals covered herein.

3. RM-584, Olean, New York: The Notice, in response to the request of Radio Olean, Inc. (licensee of daytime-only AM station WMNS) proposed to assign Channel 265A to Olean. The population of Olean is 21,868.[1] The only FM channel presently assigned to the community (239) is occupied. There are two standard broadcast stations licensed in Olean: WMNS and full-time station WHDL.

4. In support of the assignment of Channel 265A to Olean, petitioner maintains that the community is somewhat isolated, that a new FM station would substantially improve effective competition between mass media in the area, and that an assignment can be made to the community without disturbing other assignments.

5. The Commission is of the opinion because of the above facts, as well as petitioner's interest and the availability of Channel 265A that it is in the public interest to assign Channel 265A to Olean. This community warrants a second assignment. In view of the circumstances here where a Class B channel probably cannot be found, we are justified in mixing Class A and B assignments.

6. RM-585. Cadillac and Traverse City, Michigan: The notice, in response to the request of Midwestern Broadcasting Company, proposed to reassign Channel 278 from Cadillac to Traverse City and to replace it in Cadillac with Channel 244A.

7. The population of Traverse City is 18,432. FM Channels 221A and 270 are assigned to the community. Channel 221A is not occupied nor are there applications pending for its use. There are two applications pending for the use of Channel 270, those of Great Northern Broadcasting Company (BPH-3984) and petitioner Midwest Broadcasting Company (BPH-4079). Two AM stations serve Traverse City: WCCW (daytime only) and WTCM (unlimited time). The population of Cadillac is 10,112. FM Channels 225 and 278 are assigned to the community. Channel 225 is occupied. Channel 278 is not occupied nor are there applications pending for its use. One unlimited time AM station, WATT, is located in Cadillac. Petitioner plans to drop its pending application for Channel 270 in Traverse City and apply for Channel 278 if it is assigned to the community. This action would avoid a costly comparative hearing and it would provide a substantial community with a second wide-coverage FM service. Some consideration must also be given to petitioner's statement that a wide coverage FM channel is necessary for an effective operation in Traverse City due to the fact that although there is substantial population in the area it is widely scattered. Assignment of a second Class C channel will also permit two FM stations to operate on a more nearly equal competitive basis.

8. In view of the foregoing, petitioner's interest, and the apparent lack of interest in a second wide coverage FM operation in Cadillac the Commission is of the view that it is in the public interest to reassign Channel 278 from Cadillac to Traverse City and to replace it, in Cadillac, with Channel 244A. In view of the paucity of available channels in this area we are permitting Class A and C assignments in both communities.

9. RM-590. Monticello and Jamestown, Kentucky: In response to the joint petition filed by Fred A. Staples (Monticello) and Russell County Broadcasters (Jamestown), the Notice proposed to assign Channel 269A to Monticello and Channel 288A to Jamestown.

10. Monticello, a community with a population of 2,940, presently has no FM channel assigned to it; it is served by a daytime-only, standard station, WFLW. The population of Jamestown is 792. No FM channel is assigned to the community nor is there any radio station located in it. If the proposals set out in our notice are adopted, it will mean that Monticello, the county seat of Wayne County (and therefore of special significance to that county (population 14,700)) would receive a first fulltime aural service and that Jamestown, the county seat of Russell County (11,076) would have located in it a first aural service of any kind. The adoption of the proposed assignments would in no way disturb other FM assignments. Petitioners are most interested in providing FM service to both communities at an early date.

11. In view of the above, we are of the opinion that it is in the public interest to assign Channel 269A to Monticello and Channel 288A to Jamestown.

12. RM-592. Beaumont and Port Arthur, Texas: The Notice, in response to the request of Radio Beaumont, Inc., proposed to interchange Channel 231 presently assigned to Port Arthur with Channel 299 presently assigned to Beaumont.

13. The population of Beaumont is 119,175. Channels 236, 248 and 299 are assigned there. Channels 248 and 236 are occupied while Channel 299 is not occupied and has no applications pending for its use. The population of Port Arthur is 66,676. FM Channels 227, 231 and 253 are assigned to it. Channels 227 and 253 are occupied. Channel 231 is not occupied nor are there applications pending for its use. It is apparent that petitioner is interested in developing an FM operation in the Beaumont-Port Arthur area only if it can construct the station on Channel 231 at Beaumont. It appears that a transmitter for such a station could be located at the present site of petitioner's AM Station KLVI. If the proposal is adopted there will be no decrease in the number of channels available to either community.

14. The Commission is of the opinion, because of the above facts, and the prob-

[1] All population figures herein are 1960 U.S. Census figures.

ability of the early initiation of a new FM service, that it is in the public interest to interchange Channel 231 presently assigned to Port Arthur with Channel 299 presently assigned to Beaumont.

15. RM–598. Santa Rosa, New Mexico: In response to the petition filed by Hubbard Broadcasting, Inc., the Notice proposed to substitute Channel 240A for Channel 228A at Santa Rosa. Santa Rosa is a community of 2,220 persons, with one Class A Channel (228A) assigned. The channel is unoccupied and there are no applications pending for its use.

16. Petitioner has filed an application for the use of Channel 227 presently assigned to Albuquerque, New Mexico (BPH–4437). In order to meet the minimum mileage separation requirements with respect to the Santa Rosa assignment, that application presently specifies a transmitter site near Alameda Township (Bernalillo County). If the substitution of channels at Santa Rosa requested by petitioner in this rule making is adopted, petitioner will be able to amend its application for Channel 227 to specify a transmitter site at the location of its KOB–TV tower on Sandia Crest east of Albuquerque, without violating our minimum mileage separation requirements. The operation petitioner contemplates for Channel 227, in the event this rule making petition is granted, will be more desirable than the operation presently possible, because of the fact that the Sandia Crest transmitter site will enable a Channel 227 operation to meet the needs of a larger area. Petitioner points out, and we agree, that the channel substitution he proposes will in no way adversely affect Santa Rosa's potential for local service.

17. In view of the foregoing, the Commission is of the view that it is in the public interest to substitute Channel 240A for Channel 228A at Santa Rosa.

18. RM–601. Franklin, North Carolina: The notice, in response to the petition filed by Macon County Broadcasters, proposed to assign Channel 244A to Franklin. At the present time there are no FM channels assigned to the community, although it is served by AM daytime-only station WFSC. The population of Franklin is 2,173. It is located in Macon County (population 14,835).

19. In support of the proposed assignment, various facts were brought to the attention of the Commission, Franklin is a county seat significant to its county in a commercial sense (it is the largest community in its county); it is isolated from large urban areas; and the community at this time has no nighttime or early morning radio service. Because of these facts and the fact that no other assignments need be disturbed, the Commission believes that it is in the public interest to assign Channel 244A to Franklin and is so doing.

20. RM–602. Fairfield, California: In response to the petition filed by the Fairfield Publishing Company, the notice proposed to reassign Channel 237A from Lodi to Fairfield.

21. The population of Fairfield is 14,968. It is located in Solano County (population 134,597). The population of San Joaquin County, in which Lodi is located, is 249,989, and that city's population is 22,229. There are two FM channels assigned to Lodi: 237A and 249A. Channel 249A is occupied while Channel 237A is unoccupied and not applied for. Standard broadcast station KCVR, a daytime only station, is located in the community. The county of San Joaquin, in addition to the Lodi stations, has the following stations located in it: KWC, KSTN, KJOY, KSTN–FM, and KCVN–FM (Ed.). In contrast to the above there are no FM channels assigned to Fairfield nor is there an AM station located in it; there are no FM assignments in Solano County and only one AM station therein, KNBA.

22. Petitioner's main point lies in his statement: "there is a greater need for the assignment of a first FM station to the community of Fairfield and the first FM and second broadcast service to its county than there is for the second FM and third broadcast service to the community of Lodi and the fourth FM and eighth broadcast service to Lodi's county, San Joaquin." In light of the facts pointed out in petitioner's statement, with which we agree, and the fact that Channel 237A can be reassigned to Fairfield without violating our minimum mileage separation requirements (petitioner claims that it has access to a transmitter site four miles north of Fairfield from which Fairfield could be served), as well as the lack of any opposition to petitioner's proposal, we are of the view that it is in the public interest to reassign Channel 237A from Lodi to Fairfield.

23. RM–604. Brownwood, Texas: The notice, in response to the petition filed by Kean Radio Corporation, proposed to assign either Channel 257A or Channel 292A to Brownwood.

24. The population of Brownwood is 16,974. Channels 268 and 281 are assigned to the community. Neither is occupied and there are no applications pending for their use. An educational station operates on Channel 201. Standard broadcast stations KEAN (unlimited time) and KBWD (unlimited time) operate in Brownwood. In view of the two commercial broadcast services presently located in Brownwood and the existence of a daily newspaper, all competing for advertisers' support, as well as a recent decline in population, petitioner is of the opinion that it cannot justify the expenditures necessary for the installation of a wide coverage FM station. It does feel, however, that the expenditures necessary for a limited coverage station can be justified. Petitioner is of the view that the community not only can support a limited coverage FM station but also that it is in need of such service.

25. The foregoing facts along with petitioner's interest and the availability of a limited coverage channel bring the Commission to the opinion that it is in the public interest to assign Channel 257A to Brownwood. Under the circumstances in this case we believe the mixing of classes of stations is justified.

26. RM–608. Kewanee, Illinois: As a result of a petition filed by Kewanee Broadcasting Company, the notice proposed to assign Channel 221A to Kewanee.

27. Kewanee has a population of 16,324 and is located in Henry County (population 49,317). No commercial FM channels are assigned to the community or county. AM Station WKEI, Kewanee, is the only AM station in the county. The inauguration of an FM station in the community would provide Kewanee and its county with a second radio service and a first FM service. The economic importance of the community also warrants an assignment.

28. For the reasons set out above, as well as the availability of Channel 221A and petitioner's interest, the Commission is of the view that it is in the public interest to assign Channel 221A to Kewanee.

29. RM–612. Celina, Ohio: The notice, in response to the petition filed by WCSM Radio, Inc., proposed to make the additional assignment of Channel 244A to Celina.

30. Celina is a community of 7,659 persons located in Mercer County (population 32,559). The community has occupied FM Channel 232A assigned to it. Petitioner's daytime-only AM Station WOSM is also licensed in the community; there are no other AM stations or FM assignments in the county. As a county seat and the largest community in Mercer County, Celina is of substantial importance to the area. It appears that the community is a focal point for cultural and social activities. A new FM station located in Celina would provide it and its surrounding area with a third broadcast service during daytime hours and a second in the early morning and nighttime. The assignment of Channel 244A to Celina meets our minimum mileage separation requirements. In view of petitioner's intention to promptly file an application for any new channel assigned to Celina, it appears that a newly assigned Channel 244A will not lie fallow.

31. The foregoing facts lead the Commission to the conclusion that it is in the public interest to assign Channel 244A to Celina.

32. Authority for the amendments adopted herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

33. *It is ordered,* That effective January 11, 1965, the Table of Assignments contained in § 73.202 of the Commission's rules and regulations is amended to read as follows in respect to the communities named:

City	Channel No.
California:	
Fairfield	237A
Lodi	249A
Illinois:	
Kewanee	221A
Kentucky:	
Jamestown	288A
Monticello	269A
Michigan:	
Cadillac	225, 244A
Traverse City	221A, 270, 278
New Mexico:	
Santa Rosa	240A
New York:	
Olean	239, 265A
North Carolina:	
Franklin	244A
Ohio:	
Celina	232A, 244A
Texas:	
Beaumont	231, 236, 248
Brownwood	257A, 268, 281
Port Arthur	227, 253, 299

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: December 2, 1964.

Released: December 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-12755; Filed, Dec. 10, 1964; 8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—AID TO FISHERIES

PART 257—NOTICE AND HEARING ON SUBSIDIES

On pages 14744 to 14746 of the FEDERAL REGISTER of October 29, 1964, there was published a notice of proposed rule making to issue regulations governing the procedures for the notice and hearing requirements of the United States Fishing Fleet Improvement Act (Public Law 88-498). Interested persons were given 20 days in which to submit written comments, suggestions, or objections with respect to the proposed regulations.

No objections have been received and the only suggestion submitted does not require a revision of the proposal.

The proposed regulations are hereby adopted without change and are set forth below. This part shall become effective at the beginning of the 20th calendar day following the date of this publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

DECEMBER 8, 1964.

Sec.

AUTHORITY: The provisions of this Part 257 issued under the Act of June 12, 1960 (Public Law 86-516), as amended.

§ 257.1 Basis and purpose.

(a) The Act of June 12, 1960 (Public Law 86-516), as amended by the United States Fishing Fleet Improvement Act (Public Law 88-498) authorizes the Secretary of the Interior to pay a subsidy for the construction of fishing vessels in shipyards of the United States and requires that this be done only after Notice and Hearing.

(b) The purpose of this part is to establish rules of practice and procedure for the notice and hearing.

§ 257.2 Definitions.

Definitions shall be the same as in Part 256 of this subchapter.

§ 257.3 Scope of rules.

The regulations in this part govern the procedure in hearings subject to Part 256 of this subchapter. These hearings are subject to the Administrative Procedure Act (5 U.S.C. 1003, et seq.) and Practice Before The Department of the Interior (43 CFR Part 1). The regulations shall be construed to secure the just, speedy, and inexpensive determination of every proceeding with full protection for the rights of all parties therein.

§ 257.4 Mailing address.

Documents required to be filed in, and correspondence relating to, proceedings governed by the regulations in this part shall be addressed to the Director, Bureau of Commercial Fisheries, Department of the Interior, Washington, D.C., 20240.

§ 257.5 Authentication.

All rules, orders, determinations, and decisions of the Secretary shall be signed by the Secretary.

§ 257.6 Inspection of records.

The files and records of these hearings, except those held by the Secretary for good cause to be confidential, shall be open to inspection and copying as follows:

(a) All pleadings, motions, depositions, correspondence, exhibits, transcripts of testimony, exceptions, briefs, and decisions in any formal proceeding under this part may be inspected and copied in the office of the Chief, Branch of Loans and Grants, Bureau of Commercial Fisheries, Department of the Interior, Washington, D.C., 20240.

(b) Orders, rules, rulings, opinions, determinations, and decisions may be inspected in the office of the Chief, Branch of Loans and Grants, except those held by the Secretary for good cause to be confidential and not cited as precedents.

§ 257.7 Appearance and practice.

(a) A party may appear in person or by an officer, partner or regular employee of the party; by or with counsel or as otherwise permitted by 43 CFR Part 1 in any proceeding under the regulations in this part. A party may offer testimony, produce and examine witnesses, and be heard upon brief and at oral argument if oral argument is granted by the Presiding Officer. Attorneys-at-law who are admitted to practice before the Federal Courts or before the courts of any State or possession of the United States, may represent a party as counsel.

(b) Persons who appear at any hearing shall deliver a written notice of appearance to the official reporter, stating for whom the appearance is being made. The Presiding Officer may require a person making an appearance in a representative capacity to show his authority to act in such capacity. The written appearance shall be made a part of the record.

§ 257.8 Parties.

(a) The term "party" shall include any natural person, corporation, association, firm, partnership, trustee, receiver, cooperative or governmental agency determined by the Presiding Officer as having an interest in the proceedings. A party making an application shall be designated as "applicant." A party whose petition for leave to intervene is granted shall be designated an "intervenor." Only a party as designated in this section may introduce evidence or examine witnesses at hearings.

(b) For an intervenor to prove an interest in the hearings he must show that there is a reason for belief that the operation of the vessel described in the application will cause economic injury or hardship to efficient vessel operators already operating in the fishery in which it is proposed that the vessel be operated.

§ 257.9 Form, execution and service of documents.

(a) All papers to be filed under the regulations in this part shall be clear and legible; and shall be dated, signed in ink, contain the docket description and title of the proceeding and the title, if any, and the address of the signatory. Five copies of all papers are required to be filed. Documents filed shall be executed by (1) the person or persons filing same, (2) by an authorized officer thereof if it be a corporation or, (3) by an attorney or other person having authority with respect thereto.

(b) All documents, when filed, shall show that service has been made upon all parties to the proceeding. Such service shall be made by delivering one copy to each party in person or by mailing by first class mail, properly addressed with postage prepaid. When a party has appeared by attorney or other representative, service on such attorney or other representative will be deemed service upon the party. The date of service of document shall be the day when the matter served is deposited in the United States mail, shown by the postmark thereon, or is delivered in person, as the case may be.

[2] Commissioners Hyde, Bartley, and Loevinger absent.

(c) The original of every document filed under this part and required to be served upon all parties to a proceeding shall be accompanied by a certificate of service signed by the party making service, stating that such service has been made upon each party to the proceeding. Certificates of service may be in substantially the following form:

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding by: (1) Mailing postage prepaid, (2) delivering in person, a copy to each party.

Dated at _____ this _____ day of _____ 19___.

Signature _____

§ 257.10 Notice, pleadings and replies.

(a) After acceptance of an application eligible on its face for construction subsidy or for the transfer of a vessel to a different fishery, the Director, Bureau of Commercial Fisheries, shall publish a notice of hearing in the FEDERAL REGISTER advising that a hearing will be held not less than 30 days after date of such publication and setting the time and place and providing details with respect to such hearing. Any person desiring to intervene and present evidence that the approval of the application will cause economic injury or hardship to efficient vessel operators must file, at least 10 days prior to the date set for the hearing (unless otherwise consented to by the Presiding Officer), a Petition of Intervention setting forth his interest. The hearing will be held in Washington, D.C., unless such a petition is received. If such a petition is received, the Presiding Officer may designate a different hearing site by telegraphic notice to the parties in the proceedings. If no petition to intervene is received, it will not be necessary for the applicant to appear at the hearing if he files all information in writing as required by the Presiding Officer.

(b) All petitions shall be in writing and shall state the petitioner's grounds of interest in the subject matter; the facts relied upon, the relief sought; and shall cite the authority upon which the petition rests. The petition shall be served upon all parties named therein or affected thereby. Answers to petitions must be filed within 5 days of the hearing date, unless otherwise consented to by the Presiding Officer.

(c) Amendments or supplements to pleadings may be allowed or refused in the discretion of the Presiding Officer. The Presiding Officer may direct a party to state its case more fully and in more detail by way of amendment. If a response to an amended pleading is necessary, it may be filed and served within the time set by the Presiding Officer. Amendments or supplements allowed prior to hearing will be served in the same manner as the original pleading.

(d) All motions and requests for rulings shall state the relief sought, the authority relied upon and the facts alleged. If made before or after the hearing, such motions shall be in writing. If made at the hearing, motions may be stated orally: *Provided, however,* that the Presiding Officer may require such motion to be reduced to writing and filed and served in the same manner as a formal motion. Oral argument upon a written motion, in which an answer has been filed, may be granted within the discretion of the Presiding Officer. Answers to a formal motion or pleading shall be filed and served in the same manner as the motion or pleading.

§ 257.11 Duties of Presiding Officer.

The Presiding Officer shall have the authority and duty to:

(a) Take or cause depositions to be taken.

(b) Rule upon proposed amendments or supplements to motions and pleadings.

(c) Regulate the course of the hearings.

(d) Prescribe the order in which evidence shall be presented.

(e) Dispose of procedural requests or similar matters.

(f) Hear and initially rule upon all motions and petitions before him.

(g) Administer oaths and affirmations.

(h) Examine witnesses.

(i) Rule upon offers of proof and receive competent, relevant, material, reliable, and probative evidence.

(j) Exclude irrelevant, immaterial, incompetent, unreliable, repetitious or cumulative evidence.

(k) Exclude cross-examination which is primarily intended to elicit self-serving declarations in favor of the witness.

(l) Limit cross-examination to interrogatories which are required for a full and true disclosure of the facts in issue.

(m) Act upon petitions to intervene.

(n) Act upon submissions of facts or arguments.

(o) Hear arguments at the close of testimony.

(p) Fix the time for filing briefs, motions and other documents to be filed in connection with hearings.

(q) Issue the intial decisions and dispose of any other pertinent matter that normally and properly arises in the course of proceedings.

§ 257.12 Hearing procedure.

(a) Unless authorized by the Presiding Officer, witnesses will not be permitted to read prepared testimony into the record. The evidentiary record shall be limited to factual and expert opinion testimony. Arguments will not be received in evidence but should be presented in opening and/or closing statements or in briefs to the Presiding Officer. All exhibits and responses to requests for evidence shall be numbered consecutively by the party submitting same and shall be filed with the Presiding Officer if filed during the hearing. If filed at some other time they should be filed in accordance with § 257.4 with one copy also being sent to each party to the hearing.

(b) Normally, the order of presentation at the hearing will be alphabetical in each of the following categories:

(1) Applicant,

(2) Intervenors.

Rebuttal should be presented without any adjournment in the proceedings.

(c) Cross-examination shall be limited, subject to § 257.13(b), to the scope of the direct examination and to witnesses whose testimony is adverse to the party desiring to cross-examine. Only cross-examination which is necessary to test the truth and completeness of the direct testimony and exhibits will be permitted.

(d) A request for oral argument at the close of testimony will be granted or denied by the Presiding Officer in his discretion.

(e) Rulings of the Presiding Officer may not be appealed prior to, or during, the course of the hearings, except in extraordinary circumstances where prompt decision by the Secretary is necessary to prevent unusual delay or expense, in which instance the matter shall be referred forthwith to the Secretary by the Presiding Officer. Any appeal shall be filed within 10 days from the date of the close of the hearing.

§ 257.13 Evidence.

(a) In any proceedings under this part, all evidence which is relevant, material, reliable and probative, and not unduly repetitious or cumulative, shall be admissible. Irrelevant and immaterial or unduly repetitious evidence shall be excluded.

(b) Each party shall have the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence; and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(c) At any time during the hearing the Presiding Officer may call for the production of further relevant and material evidence, reports, studies and analyses upon any issue, and require such evidence to be presented by the party or parties concerned, either at the hearing or adjournment thereof. Such material shall be received subject to appropriate motions, cross-examination and/or rebuttal. If a witness refuses to testify or produce the evidence as requested, the Presiding Officer shall forthwith report such refusal to the Secretary.

§ 257.14 The record.

(a) The Director, Bureau of Commercial Fisheries, will designate an official reporter for all hearings. The official transcript of testimony taken, together with any exhibits and briefs filed therewith, shall be filed with the Director, Bureau of Commercial Fisheries. Transcripts of testimony will be available in any proceeding under the regulations of this part, and will be supplied by the official reporter to the parties and to the public, except when required for good cause to be held confidential, at rates fixed by the contract between the United States of America and the reporter. If the reporter is an employee of the Department of the Interior, the rate will be fixed by the Director, Bureau of Commercial Fisheries.

(b) The transcript of testimony and exhibits, together with all papers and requests, including rulings and the initial decision filed in the proceeding, shall constitute the exclusive record for decision. The initial decision will be predicated on this same record, as will the final decision.

§ 257.15 Decisions.

(a) The Presiding Officer is delegated the authority to render initial decisions in all proceedings before him. The same officer who presides at the reception of evidence shall render the initial decision except when such officer becomes unavailable to the Department of the Interior. In such case, another Presiding Officer will be designated by the Secretary to render the initial decision. Briefs, or other documents, to be submitted after the hearing must be received not later than ten (10) days after the hearing unless otherwise extended by the Presiding Officer upon motion by a party. The initial decision shall be made within twenty (20) days after the hearing or the receipt of all briefs, whichever is later. If no appeals from the initial decision are received within ten (10) days of the date of the initial decision, it will become the final decision on the twentieth day following the date of the initial decision. If an appeal is received, the appeal will be transmitted to the Secretary who will render the final decision after considering the record and the appeal.

(b) All initial and final decisions, shall include a statement of findings and conclusions, as well as the reasons or basis therefor, upon the material issues presented. A copy of each decision shall be served on the parties to the proceeding, and furnished to interested persons upon request.

(c) Official notice may be taken of such matters as might be judicially noticed by the courts; or of technical or scientific facts within the general or specialized knowledge of the Department of the Interior as an expert body; or of a document required to be filed with or published by a duly constituted Government body: *Provided,* That where a decision or part thereof rests on the official notice of a material fact not appearing in the evidence of the record, the fact of official notice shall be so stated in the decision and any party, on timely request, shall be afforded an opportunity to show the contrary.

[F.R. Doc. 64-12741; Filed, Dec. 10, 1964; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 48]

EXCISE TAXES

Sale Price of Rebuilt Television Picture Tubes

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] BERTRAND M. HARDING,
Acting Commissioner of Internal Revenue.

In order to conform the Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 48) under section 4142 of the Internal Revenue Code of 1954 to section 6 of the Act of October 13, 1964 (Public Law 88–653, 78 Stat. 1086), such regulations are amended as follows:

PARAGRAPH 1. Section 48.4142 is amended by revising section 4142 and the historical note. These amended provisions read as follows:

§ 48.4142 Statutory provisions; definition; radio and television component; sale price of rebuilt television picture tube.

Sec. 4142. *Definitions*—(a) *Radio and television component.* As used in section 4141, the term "radio and television components" means chassis, cabinets, tubes, speakers, amplifiers, power supply units, antennae of the "built-in" type, phonograph mechanisms, and phonograph record-players, which are suitable for use on or in connection with, or as component parts of, any of the articles enumerated in section 4141, whether or not primarily adapted for such use.

(b) *Sale price of rebuilt television picture tubes.* In determining the sale price of a rebuilt television picture tube, there shall be excluded from the price, in accordance with regulations prescribed by the Secretary or his delegate, the value of a television picture tube accepted in exchange.

[Sec. 4142 as amended and in effect Jan. 1, 1959, and as further amended by sec. 6(a), Act of Oct. 13, 1964 (Pub. Law 88–653, 78 Stat. 1086)]

PAR. 2. Section 48.4142–2 is added immediately after § 48.4142–1 and reads as follows:

§ 48.4142–2 Rebuilt television picture tubes sold on an exchange basis.

In the case of a sale on or after January 1, 1965, of a rebuilt television picture tube, the sale price of the rebuilt television picture tube on which the tax is to be computed shall not include the value of a television picture tube accepted in exchange. The total amount charged in excess of the amount allowed for the television picture tube accepted in an exchange will be the basis for tax. For example, if a rebuilt television picture tube is sold for $25, plus another television picture tube, the tax on the rebuilt tube will be computed on the basis of $25.

[F.R. Doc. 64–12674; Filed, Dec. 10, 1964; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 912]

GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Expenses and Fixing of Rate of Assessment for 1964–65 Fiscal Year

Consideration is being given to the following proposals submitted by the Indian River Grapefruit Committee, established under Marketing Agreement No. 136, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That the expenses that are reasonable and likely to be incurred by the Indian River Grapefruit Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning August 1, 1964, and ending July 31, 1965, will amount to $30,000.

(b) That the rate of assessment which each handler who first handles fruit shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order, be fixed at six mills ($0.006) per 1⅗ bushel box of fruit, or its equivalent when packed in other containers or in bulk, so handled by such handler during such fiscal period.

(c) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: December 8, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–12767; Filed, Dec. 10, 1964; 8:50 a.m.]

[7 CFR Part 917]

PLUMS GROWN IN CALIFORNIA

Changes in Representation of Certain Districts on Plum Commodity Committee

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 917.100–917.179) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment to the said rules and regulations was proposed by the Control Committee, established under the said amended marketing agreement and order as the agency to administer the terms and provisions thereof. The amendment changes the representation of certain districts on the Plum Commodity Committee.

The said amendment is as follows:

1. Delete § 917.118 and substitute therefor the following:

§ 917.118 Changes in representation of certain districts on the Plum Commodity Committee.

The representation or membership on the Plum Commodity Committee is changed to provide for:

(a) Three (3) members to represent the area included in the Fresno District;

(b) One (1) member to represent the area included in the Tulare District;

(c) One (1) member to represent the area included in the Kern District and Southern California District;

(d) One (1) member to represent the area included in the Placer District and Colfax District; and

(e) One (1) member to represent all the territory in California not included in the foregoing districts.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 10th day after publication of the notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: December 7, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-12716; Filed, Dec. 10, 1964; 8:47 a.m.]

[7 CFR Part 1004]

MILK IN DELAWARE VALLEY MARKETING AREA

Notice of Proposed Suspension of Certain Provision of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provision of the order regulating the handling of milk in the Delaware Valley marketing area is being considered for the period of December 1, 1964, through March 31, 1965.

Proposed to be suspended in § 1004.50 (a) (4) is the provision "and shall be an additional 20 cents more if the percentage of such receipts to such disposition is less than 126".

The proposed action would suspend a provision of the supply-demand mechanism in the Class I pricing formula which would otherwise increase the Class I price an additional 20 cents per hundredweight in the forthcoming quarter (January-March) over the price level applicable in the current quarter. The Delaware Valley Class I price of $6.00 in the current quarter includes a plus supply-demand adjustment of 20 cents per hundredweight.

Cooperative associations representing a substantial proportion of producers supplying milk to handlers regulated under the terms of the Delaware Valley milk order requested this suspension. Petitioners claimed the suspension action is necessary because the existing provision of the adjustor does not reflect accurately market conditions of supply and demand following significant changes in the market structure from that which existed when the provision was incorporated in the formula. They stated further that a higher Class I price would be contraseasonal in nature and could seriously jeopardize markets of local producers resulting from intermarket price disparities between the Delaware Valley and adjacent Federal order markets. The action was requested to be made effective through March 1965 so that orderly marketing may not be disrupted pending review of the provision at a public hearing.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, not later than three days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be be in duplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on December 8, 1964.

CLARENCE H. GIRARD,
Deputy Administrator.

[F.R. Doc. 64-12766; Filed, Dec. 10, 1964; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 45, 121]

OLEOMARGARINE IDENTITY STANDARD; FOOD ADDITIVES DELTA-DECALACTONE AND DELTA-DODECALACTONE

Extension of Time for Filing Comments on Proposal To Amend Identity Standard and To Issue Regulation Establishing Safety of Food Additive

In the matter of amending the identity standard for oleomargarine (21 CFR 45.1) to permit the use of delta-decalactone and delta-dodecalactone as optional artificial flavoring ingredients and amending the food additive regulations to provide for the safe use of these flavorings in oleomargarine:

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of October 17, 1964 (29 F.R. 14367), and granted a period of 30 days for filing comments. The Commissioner of Food and Drugs has received several requests for an extension of this time. Good reasons therefor appearing, the time for filing comments in this matter is extended to December 16, 1964.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 409, 701, 52 Stat. 1046, 1055 as amended, 72 Stat. 1785; 21 U.S.C. 341, 348, 371) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471).

Dated: December 4, 1964.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 64-12739; Filed, Dec. 10, 1964; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-SO-59]

CONTROL AREA EXTENSION AND TRANSITION AREA

Proposed Revocation and Designation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would revoke the control area extension and designate a transition area in the vicinity of Edenton, North Carolina.

The Edenton, N.C., control area extension is presently designated as that airspace bounded on the W by V-229, on the N by the Norfolk, Va., control area extension, on the NE by control 1181, on the SE by the NW shore of Pamlico Sound, and on the S by the arc of a 60-mile radius circle centered at latitude 34°54'30" N., longitude 76°53'00" W., excluding the portions within R-5301A, R-5301B, R-5302, R-5303, R-5304, and R-5305.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Edenton, N.C., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29 (26 F.R. 570, 27 F.R. 4012), proposes the airspace actions hereinafter set forth.

1. The Edenton, N.C., control area extension would be revoked.

2. The Edenton, N.C., transition area would be designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Edenton Municipal Airport (latitude 36°01'30" N., longitude 76°33'30" W.); within 2 miles each side of a line bearing 337° from latitude 36°05'00" N., longitude 76°36'00" W., extending from the 5-mile radius area to 8 miles NW of latitude 36°05'00" N., longitude 76°36'00" W.; including that airspace extending upward from 1,200 feet above the surface bounded on the N by the arc of a 55-mile radius circle centered at latitude 36°57'44" N., longitude 76°24'44" W., on the E by longitude 76°30'00" W., on the S by the arc of a 60-mile radius circle centered at latitude 34°54'30" N., lon-

gitude 76°53'00" W. and on the W by the E boundary of V-229.

The proposed transition area is required to protect the prescribed special instrument approach procedure at Edenton, N.C., and aircraft being radar vectored by the Washington Air Route Traffic Control Center.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on December 1, 1964.

PAUL H. BOATMAN,
Acting Director,
Southern Region.

[F.R. Doc. 64-12687; Filed, Dec. 10, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-WE-32]

CONTROL ZONE AND TRANSITION AREAS

Proposed Designation and Alteration

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would designate a control zone and transition area at Corvallis, Oreg., pursuant to the commissioning of a VOR at latitude 44°29'59" N., longitude 123°-17'33" W. and fan marker at latitude 44°34'08" N., longitude 123°14'15" W. on or about April 15, 1965, and would alter the Kings Valley, Oreg., and Eugene, Oreg., transition areas.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Corvallis, Oreg., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/29, proposes the following airspace actions:

1. Designate the Corvallis, Oreg., control zone as that airspace within a 5-mile radius of Corvallis Municipal Airport (latitude 44°29'50" N., longitude 123°17'-10" W.). The control zone shall be effective during the times established in advance by a Notice to Airmen and continuously published in the Airman's Guide.

2. Designate the Corvallis, Oreg., transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Corvallis Municipal Airport (latitude 44°29'50" N., longitude 123°17'10" W.); within 2 miles each side of the Corvallis VOR 029° True radial, extending from the 7-mile radius area to 7 miles NE of the Fischer Fan Marker and within 2 miles each side of the 044° True bearing from latitude 44°33'25" N., longitude 123°16'-22" W., extending from the 7-mile radius area to 5 miles NE of latitude 44°33'25" N., longitude 123°16'22" W.; that airspace extending upward from 1,200 feet above the surface within 6 miles NW and 8 miles SE of the Corvallis VOR 029° and 209° True radials, extending from 6 miles SW to 17 miles NE of the VOR.

3. The Kings Valley, Oreg., transition area is presently designated as that airspace extending upward from 1,200 feet above the surface within 12 miles NW and 8 miles SE of the Newberg, Oreg., VORTAC 204° radial, extending from 10 miles NE to 22 miles SW of the INT of the Newberg VORTAC 204° and the Eugene, Oreg., VORTAC 340° radials.

4. Alter the Kings Valley, Oreg., transition area as that airspace extending upward from 1,200 feet above the surface within 12 miles NW and 8 miles SE of the Newberg, Oreg., VORTAC 204° True radial, extending from 9 miles NE to 22 miles SW of the INT of the Newberg VORTAC 204° and the Eugene, Oreg., VORTAC 347° True radials, and that airspace north of Kings Valley INT bounded on the NW by Victor 99, on the SE by Victor 23 W alternate and on the SW by a line 39 miles NW of and parallel to the Eugene VORTAC 295° True radial, excluding the portion within the Corvallis, Oreg., transition area.

5. Alter the description of the Eugene, Oreg., transition area to exclude the portion within the Corvallis transition area as proposed for designation herein.

The proposed Corvallis control zone would provide protection for aircraft executing prescribed instrument procedures at the Corvallis Airport during the hours of operation of the weather reporting service to be provided by duly certified personnel of West Coast Airlines. Communications service will be provided by the FAA's Eugene, Oreg., Combined Station/Tower through remote facilities located on the Corvallis VOR.

The 700-foot portion of the transition area is required to provide protection to aircraft executing prescribed instrument approach and departure procedures at altitudes between 1,000 feet and 1,500 feet above the surface.

The 1,200-foot portion of the transition area is required to provide protection to aircraft executing prescribed instrument approach, departure and holding procedures at altitudes above 1,500 feet above the surface.

The alteration of the Kings Valley transition area is required to provide protection to aircraft executing prescribed holding procedures at the Kings Valley INT. The additional portion west of Dallas, Oreg., is required to provide protection for aircraft in radar transition from the Kings Valley INT to Victor 99 and the Portland, Oreg., terminal area.

The following instrument approach procedure will be established effective concurrent with the commissioning of the Corvallis VOR and the Fischer Fan Marker approximately April 15, 1965:

AL-VOR-1. Proceed outbound on the 008° M radial, procedure turn E side of course (minimum 3,000 feet) within 10 miles of the Fischer Fan Marker, minimum altitude over Fischer Fan Marker inbound 188° M radial 1,500 feet; over facility 700 feet (facility on airport). Missed approach—within 5.0 miles after passing Fischer Fan Marker or within 0.0 mile after passing Corvallis VOR, turn left, climb to 3,000 feet on VOR 008° M radial within 15 miles.

At a future date, after adjacent terminal area studies have been completed, the floors of low altitude airways adjacent to Corvallis will be raised to 1,200 feet or higher above the surface.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.

This amendment is proposed under the authority of section 307(a), Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on December 3, 1964.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 64-12688; Filed, Dec. 10, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-WE-61]

CONTROL ZONES, TRANSITION AREA, AND CONTROL AREA EXTENSIONS

Proposed Alteration, Revocation, and Designation

The Federal Aviation Agency is considering amendments to Part 71 [New]

of the Federal Aviation Regulations which would alter the controlled airspace in the Riverside and Twentynine Palms, California, terminal areas.

The following controlled airspace is presently designated in the Riverside and Twentynine Palms terminal areas:

1. The Ontario, Calif. (Ontario International Airport) control zone is designated within a 5-mile radius of Ontario International Airport (latitude 34°03'25" N., longitude 117°36'30" W.) and within 2 miles on each side of the ILS localizer E course extending from the 5-mile radius zone to the OM, excluding the portion within a 1-mile radius of the Chino, Calif., Airport (latitude 33°58'30" N., longitude 117°38'10" W.).

2. The Riverside, Calif. (March AFB) control zone is designated within a 5-mile radius of March AFB, Riverside, Calif., and within 2 miles either side of a line extending from March AFB through the Riverside VOR to 5 miles SW of the VOR.

3. The Riverside, Calif., control area extension is designated as that airspace S of March AFB, Riverside, Calif., bounded on the E by V–117, on the S and SE by V–208, on the W by V–23, on the NW by V–8 and on the N by V–16.

4. The San Bernardino, Calif., control area extension is designated as that airspace NE of San Bernardino bounded on the S by V–16, on the NW by V–8, on the E by longitude 116°35'00" W., extending from the S boundary of V–8 to the Ontario, Calif., VOR 060° radial; thence SW via the Ontario VOR 060° radial to V–137; thence SE via V–137 to V–16.

5. The Twentynine Palms, Calif., transition area is designated as that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 115°12'00" W., on the S by latitude 33°28'00" N., on the W by the W boundary of V–208 and V–117, the S boundary of V–16, and longitude 116°28'-00" W., and on the N by latitude 34°17'-00" N., excluding the portion within R–2501 and R–2507.

The FAA, having completed a comprehensive review of the terminal airspace requirements in the Riverside-Twentynine Palms areas, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, has under consideration the following airspace actions:

1. Alter the Ontario, Calif., control zone by redesignating it as that airspace within a 5-mile radius of Ontario International Airport (latitude 34°03'25" N., longitude 117°36'30" W.); within 2 miles each side of the Ontario ILS localizer east course extending from the 5-mile radius zone to 3 miles E of the outer marker, excluding the portion within a one-mile radius of the Chino, Calif., Airport (latitude 33°58'30" N., longitude 117°38'10" W.).

2. Alter the Riverside, Calif. (March AFB) control zone by redesignating it as that airspace within a 5-mile radius of March AFB (latitude 33°52'50" N., longitude 117°15'31" W.); within 2 miles each side of the March AFB VOR 329° and 149° True radials extending from the 5-mile radius zone to one mile SE of the VOR; within 2 miles each side of the March AFB TACAN 325° True radial extending from the 5-mile radius zone to 5 miles NW of the TACAN.

3. Revoke the Riverside and San Bernardino, Calif., control area extensions.

4. Designate the Riverside, Calif., transition area as that airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 34°10'00" N., longitude 117°59'00" W., to latitude 34°10'00" N., longitude 117°01'00" W., to latitude 33°46'00" N., longitude 117°01'00" W., to latitude 33°-44'30" N., longitude 117°04'00" W., to latitude 33°40'30" N., longitude 117°04'-00" W., to latitude 33°38'00" N., longitude 117°09'00" W., to latitude 33°56'00" N., longitude 117°30'00" W., to latitude 33°56'00" N., longitude 117°59'00" W.; thence to point of beginning, and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°30'00" N., longitude 117°43'00" W., thence east along latitude 34°30'00" N. to the southeast boundary of V–21, thence along the southeastern boundary of V–21 to longitude 116°30'00" W., thence direct to latitude 34°40'30" N., longitude 116°29'-40" W., to latitude 34°30'00" N., longitude 116°26'30" W., to latitude 34°16'-00" N., longitude 116°18'00" W., to latitude 33°30'00" N., longitude 116°18'00" W., to latitude 33°30'00" N., longitude 117°30'00" W., to latitude 33°39'00" N., longitude 117°30'00" W., to latitude 33°-46'00" N., longitude 117°45'00" W., to latitude 33°56'00" N., longitude 117°53'-00" W., to latitude 33°56'00" N., longitude 117°59'00" W., to latitude 34°10'-00" N., longitude 117°59'00" W., to latitude 34°10'00" N., longitude 117°43'00" W., thence to point of beginning. The portion of this transition area within George AFB, Calif., Restricted Area/Military Climb Corridor (R–2526) would be used only after obtaining prior approval from appropriate authority.

5. Alter the Twentynine Palms, Calif., transition area by redesignating it as that airspace extending upward from 700 feet above the surface within a 3-mile radius of Thermal Airport (latitude 33°37'38" N., longitude 116°09'45" W.); within 2 miles each side of the Thermal VORTAC 140° True radial, extending from the 3-mile radius area to 8 miles SE of the VORTAC; within 2 miles each side of the Thermal VORTAC 122° True radial, extending from the 3-mile radius area to 5 miles SE of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°17'00" N., longitude 115°25'00" W., to latitude 33°-28'00" N., longitude 115°25'00" W., to latitude 33°28'00" N., longitude 116°18'-00" W., to latitude 34°17'00" N., longitude 116°18'00" W., thence to point of beginning, excluding the portions within R–2501 and R–2507.

The floors of the airways that traverse the transition areas proposed herein would automatically coincide with the floors of the transition areas.

The actions proposed herein would, in part, designate a control zone extension NW of March AFB and lengthen the control zone extension E of Ontario to provide protection for aircraft executing prescribed instrument approach and departure procedures at March AFB and Ontario International Airport. In addition, the control zone extension SE of March AFB would be reduced. The designation of the portion of the Riverside and Twentynine Palms transition area proposed with a floor of 700 feet above the surface would provide protection for aircraft executing prescribed instrument approach, departure and radar vectoring procedures while operating below the 1,200-foot floor portion of the transition areas.

In addition, the portion of the Riverside transition area with a floor of 1,200 feet and the revocation of the San Bernardino and Riverside control area extensions would raise the floor of controlled airspace beyond the limits of the proposed irregularly configured 700-foot portion of the transition area from 700 to 1,200 feet. The Twentynine Palms transition area with a floor of 1,200 feet would be reduced in size. The portions of controlled airspace released by these actions are no longer required for air traffic control purposes. The portions of controlled airspace retained would provide protection for aircraft executing prescribed holding, approach, missed approach, radar and departure procedures within the Riverside and Twentynine Palms, Calif., terminal areas.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Regional Air Traffic Division Chief, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.

This proposal was circularized to the public for informal comment by the Los Angeles Area Office on February 14, 1964, as Case 63–LAX–4.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in

this notice may be changed in the light of comments received.

A public Docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.

This amendment is proposed under section 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 64-12689; Filed, Dec. 10, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-WE-65]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would alter the controlled airspace in the Coeur d'Alene, Idaho, terminal area.

The Coeur d'Alene, Idaho, transition area is presently designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Coeur d'Alene Air Terminal (latitude 47°46'30" N., longitude 116°49'05" W.), and within 2 miles each side of the 181° and 347° bearings from latitude 47°41'30" N., longitude 116°47'34" W., extending from the 5-mile radius area to 8 miles S. of latitude 47°41'30" N., longitude 116°47'34" W.

On October 30, 1964, the City of Coeur d'Alene commissioned a radio beacon at latitude 47°44'44" N., longitude 116°57'24" W. To provide controlled airspace for the protection of aircraft executing instrument approach and departure procedures utilizing this facility, the FAA proposes the alteration of the present Coeur d'Alene transition area as follows:

Redesignate the Coeur d'Alene transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Coeur d'Alene Air Terminal (latitude 47°46'30" N., longitude 116°49'05" W.); within 2 miles each side of the 072° and 252° True bearings from the Coeur d'Alene radio beacon (latitude 47°44'44" N., longitude 116°57'24" W.), extending from the 5-mile radius area to 8 miles W. of the radio beacon, and within 2 miles each side of the 186° True bearing from the Coeur d'Alene radio beacon, extending from the radio beacon to 10 miles S. of the radio beacon.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.

This amendment is proposed under section 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on December 3, 1964.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 64-12690; Filed, Dec. 10, 1964; 8:45 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 12]

[Docket No. R-268]

HYDROELECTRIC LICENSED PROJECTS

Inspections To Insure Safe Operation; Notice of Extension of Time

DECEMBER 4, 1964.

Upon consideration of the requests filed in the subject proceeding by Wisconsin Valley Improvement Company on November 13, 1964, Wisconsin Michigan Power Company and Northern States Power Company on November 16, 1964, Nekoosa-Edwards Paper Company on November 17, 1964, Wisconsin River Power Company and Consolidated Water Power Company on November 19, 1964, Wisconsin Public Service Corporation on November 20, 1964, and counsel for Wisconsin Power and Light Company on November 30, 1964, for an extension of time within which to file data, views, and comments in writing concerning the proposals set forth in the notice of proposed rulemaking issued in the above-designated matter on October 20, 1964;

Notice is hereby given that the time is extended from December 9, 1964 to and including January 8, 1965, within which interested persons may file data, views, and comments in writing concerning the proposals set forth in said notice of proposed rulemaking issued October 20, 1964.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-12706; Filed, Dec. 10, 1964; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

IMPORTS INTO PUERTO RICO OF CRUDE OIL, UNFINISHED OILS AND FINISHED PRODUCTS, OTHER THAN RESIDUAL FUEL OIL TO BE USED AS FUEL

Adjustments in Maximum Levels

The maximum levels of imports into Puerto Rico of crude oil, unfinished oils and finished products, other than residual fuel oil to be used as fuel, established by Presidential Proclamation 3279, as amended, are modified pursuant to paragraph (c) of section 2 of the Proclamation to permit, during the period January 1, 1965, through June 30, 1965, 112,600 barrels per day in imports of crude oil and unfinished oils, and an additional 614 barrels per day in the imports of finished products, other than residual fuel oil to be used as fuel.

All non-Governmental holders of allocations of imports of finished products, other than residual fuel oil to be used as fuel, into Puerto Rico, have been canvassed with respect to their interest in supplying the increased requirements for finished products. With the exception of the Shell Oil Companies and Tropical Gas Company, all others have stated that they have no interest. Accordingly, the allocation made to the Shell Oil Companies will be increased to permit them to import into Puerto Rico an additional 552 barrels daily of asphalt, and the allocation made to the Tropical Gas Company will be increased to permit them to import into Puerto Rico an additional 62 barrels daily of propylene free propane.

STEWART L. UDALL,
Secretary of the Interior.

DECEMBER 9, 1964.

[F.R. Doc. 64-12789; Filed, Dec. 10, 1964; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

December Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The prices at which Commodity Credit Corporation commodity holdings are available for sale during December 1964 are as announced by the U.S. Department of Agriculture. The following commodities are available: Butter, cheddar cheese, nonfat dry milk, dry beans, cotton (upland and extra long staple), wheat, corn, oats, barley, rye, rice, grain sorghum, peanuts, flax, and soybeans.

Commodity Credit Corporation-owned corn will not be priced for export except for barter and CCC credit sales and for limited stocks stored in West Coast terminals.

On November 12 (press release USDA 3826-64), a new export program was announced for flaxseed and linseed oil. Operating details will be announced when completed.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250.

Interest rates per annum under the CCC Export Credit Sales Program for December 1964 are 4½ percent for periods up to and including 12 months, and 5 percent for periods from over 12 months up to a maximum of 36 months. All commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks, are available for export under the CCC Export Credit Sales Program as provided under specific commodity listings.

The following commodities are available for programming under Title IV, P.L. 480, private trade agreements: Wheat, corn, rye, rice, grain sorghum, upland and extra long staple cotton, tobacco from CCC loan stocks, butter, cheese, and nonfat dry milk. In addition, other surplus agricultural commodities are also eligible for Title IV programming. A list of all commodities available under this program, and current information on interest rates and other phases of the program are being sent separately to recipients of the CCC Monthly Sales List.

The following commodities are currently available for barter: Barley, cotton, tobacco, wheat, corn, and grain sorghum. (In addition, free market stocks of cottonseed and soybean oils are eligible for barter programming.) This list is subject to change from time to time.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C., 20250, with respect to all commodities or—for specified commodities—within the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal,

or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Notice to exporters. The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities (except absorbent cotton and sterilized gauze and bandages with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled area of the Far East including Communist China, North Korea and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, §§ 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirements for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule § 379.10(c) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

Commodity	Sales price or method of sale
Barley, bulk	Domestic or export, unrestricted use: Storable: Market price but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent[3] of the applicable 1964 price support rate (published price support loan rate plus 12 cents per bu.) for the class, grade, and quality of the barley plus the amount shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added. Examples of these formula minimum prices are shown below. Nonstorable: At not less than market price as determined by CCC.

Markups and Agricultural Act of 1949 formula price examples (per bushel)

Markup in cents received by		Examples of in-store[2] formula minimum prices for No. 2 or better barley (ex-rail or barge in dollars)	
Truck	Rail or barge	Terminal	General sales price
Cents 12½	*Cents* 7½	Minneapolis, Minn.	$1.28½
		Kansas City, Mo.	1.30½

Availability information: For information on CCC barley sales from bin sites, contact ASCS State or county offices. For information on the disposition of barley from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain office listed at end of table.

Export announcement sales:

(i) Under Announcement GR-368 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to approved CCC barter and credit sales. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for the sales under these announcements. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is 105% of the applicable price-support rate plus the adjustment referred to in above table. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at barter and credit sales prices.

Available: Evanston and Kansas City ASCS offices. Stocks in Duluth or Minneapolis will be available through the Minneapolis ASCS grain office.

Corn, bulk	Domestic or export—unrestricted use: A. Redemption of domestic payment-in-kind certificates:[1] Such CCC dispositions of corn, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which corn shall be valued for such dispositions shall be market price, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1964 price support loan rate for the class, grade, and quality of the corn, plus the amount shown in C below applicable for the storage point involved. B. General sales:[1] 1. Storable: Such CCC dispositions of storable corn, as CCC may designate as general sales, will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent[3] of the applicable 1964 price support rate (published price-support loan rate plus 15 cents per bushel) for the class, grade, and quality of the corn, plus the amount shown in C below, applicable to the storage point involved. Examples of these formula minimum prices are shown in C below. For corn in store at other than the point of production the freight from point of production to the present point of storage will also be added. CCC will normally make general sales of corn when dispositions of such corn are not being made against domestic payment-in-kind certificates. 2. Nonstorable: Such dispositions of nonstorable corn as CCC may designate as general sales will be made at not less than market price, as determined by CCC. C. Markups and Agricultural Act of 1949 formula price examples (per bushel).

Markup in cents in-store at		Example of in-store[2] formula minimum prices for No. 2 yellow corn (14 percent MT. and 2 percent F.M.) (ex-rail or barge in dollars)	
Production point	Other points	Terminal	General sales price
Cents 3	*Cents* 4½	Minneapolis, Minn.[6]	$1.37¾
		Chicago, Ill.[5]	1.56½

D. Availability information: For information on CCC corn sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of corn from other locations, contact the Evanston, Kansas City, Minneapolis or Portland ASCS grain office listed at end of table.

Export announcement sales:

Under Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to arrangements for barter and approved CCC credit, except that limited West Coast terminal stocks are available for export sale under Announcement GR-212 (barter, credit, and other designated sales) and under Announcement GR-368. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for sale under any export announcement. The statutory minimum price referred to in the price adjustment provisions of Announcement GR-212 is 105% of the applicable price-support rate plus the adjustments referred to in subparagraph C above. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at credit and barter sales prices.

Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

See footnotes at end of table.

Commodity	Sales price or method of sale
Cotton, upland	Domestic or export, unrestricted use: Competitive bid under the terms and conditions of Announcement NO-C-16, as amended (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price support programs will be sold at the highest price offered but in no event at less than the higher of (a) 105 percent of the current loan rate for such cotton, plus reasonable carrying charges, or (b) the market price for such cotton, as determined by CCC. Competitive offers under the terms and conditions of Announcement NO-C-26 (Disposition of Upland Cotton—for exchange of PIK certificates or rights in the certificate pool for upland cotton). Upland cotton may be acquired at its domestic market price which shall be the highest price offered but not less than the minimum price determined by CCC. Export, CCC Sales for Export: Competitive bid under the terms and conditions of Announcement CN-EX-25 (Cotton Export Program—Sales—1964-66 Marketing Years) and NO-C-29 (Sale of Upland Cotton—Cotton Export Program—1964-66 Marketing Years). Export, CCC Credit Sales and Barter: Competitive bid under the terms and conditions of Announcement CN-EX-23 (Purchase of Upland Cotton for Export under the Export Credit Sales Program), Announcement CN-EX-24 (Acquisition of Upland Cotton for Export under the Barter Program), and Announcement NO-C-28 (Sale of Upland Cotton—CCC Credit and Barter Programs—1964-66 Marketing Years).
Cotton, extra long staple	Domestic or export, unrestricted use: Competitive bid under the terms and conditions of Announcements NO-C-6 (Revised July 22, 1960), as amended, and NO-C-10, as amended. Under these announcements extra long staple cotton (domestically grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC. Export, CCC Sales for Export: Competitive bid under the terms and conditions of Announcements CN-EX-20 (Foreign-Grown Extra Long Staple Cotton Export Program) and NO-C-23 (Sale of Foreign-Grown Extra Long Staple Cotton); or competitive bid under the terms and conditions of Announcements CN-EX-22 (Extra Long Staple Cotton Export Program) and NO-C-27 (Sale of Extra Long Staple Cotton). Available: Sale of cotton will be made by the New Orleans ASCS Commodity Office and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from the office.
Dairy products	Sales are in carlots only in-store at storage location of products. Submission of offers: Submit offers to the Minneapolis ASCS Commodity Office.
Butter	Domestic or export: Unrestricted use: Announced prices, under LD-29, as amended: 62.0 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 61.25 cents per pound—Washington, Oregon, and California. All other States 61.0 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Minneapolis ASCS Commodity Office.
Cheddar cheese (standard moisture basis).	Domestic or export: Unrestricted use: Announced prices, under LD-29, as amended: 40.75 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 39.75 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under LD-35: Any cheese offered but not sold under the invitation to bid issued pursuant to LD-33 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Tuesday.
Nonfat dry milk	Domestic or export: Unrestricted use: Announced prices, under LD-29, as amended: Spray process, U.S. Extra Grade, 16.40 cents per pound. Export: Payment-in-kind under SM-8, as amended. Competitive bid, under LD-33, as amended, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office.

See footnotes at end of table.

Commodity	Sales price or method of sale
Dry edible beans (bagged)	Domestic or export: Unrestricted use: Domestic market price but not less than the following minimum price per cwt. for U.S. No. 1 f.o.b. indicated points of production. Amount of paid-in-freight to be added as applicable. For other grades and locations adjust by applicable 1964 price support differentials.

Class	Price per cwt.	Area of production
Dark Red Kidney	$9.17	Michigan.
Pea	7.48	Michigan.
Great Northern	7.53	Denver rate basis.
Pinto	6.76	Denver rate basis.

Commodity	Sales price or method of sale
Flaxseed, bulk	Domestic or export: Unrestricted use: Storable: Market price basis in store,[2] but not less than the applicable 1964 support price for the class, grade, and quality of flaxseed plus 14½¢ per bushel, and plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.

Unit	Received by		Examples of minimum prices (ex-rail or barge)		
	Truck	Rail or barge	Terminal	Class and grade	Price
Bushel	Cents 15½	Cents 7½	Minneapolis	No. 1	$3.35

Commodity	Sales price or method of sale
Grain sorghum, bulk	Nonstorable (as available): At not less than market price as determined by CCC through the Minneapolis Grain Merchandising ASCS office. Available: Through the Minneapolis Grain Merchandising ASCS office. Domestic or export, unrestricted use: A. Redemption of domestic payment-in-kind certificates:[1] Such CCC dispositions of grain sorghum, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, but not less than the payment-in-kind formula price for such redemption. Such formula price shall be the applicable 1964 price support loan rate for the class, grade and quality of the grain sorghum, plus the amount shown in C below applicable to the type of carrier involved. B. General sales:[1] 1. Storable: Such CCC dispositions of storable grain sorghum, as CCC may designate as general sales, will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent[3] of the applicable 1964 price support rate (published price support loan rate plus 23 cents per hundredweight) for the class, grade and quality of the grain sorghum, plus the amount shown in C below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added. Examples of these formula minimum prices are shown in C below. CCC will normally make general sales of grain sorghum when dispositions of such grain sorghum are not being made against domestic payment-in-kind certificates. 2. Nonstorable: Such dispositions of nonstorable grain sorghum as CCC may designate as general sales will be made at not less than market price, as determined by CCC.

Commodity	Sales price or method of sale
Grain sorghum, bulk (continued)	Domestic and export, unrestricted use—Continued C. Markups and Agricultural Act of 1949 formula price examples (per hundredweight).

Markup in cents received by		Examples of in-store[2] formula minimum prices for No. 2 or better grain sorghum (ex-rail or barge in dollars)	
Truck	Rail or barge	Terminal	General sales price
Cents 23½	*Cents* 12½	Kansas City, Mo.	$2.60½

D. Availability information: For information on CCC grain sorghum sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of grain sorghum from other locations, contact the Kansas City, Evanston, Portland or Minneapolis ASCS grain office listed at end of table.

Export announcement sales:
(1) Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangements for barter, approved CCC credit and other designated sales. (2) Under Announcement GR-368 (Revised Aug. 31, 1959) as amended, for feed grain export payment-in-kind program. CCC stocks of grain sorghum in-store in California terminals are not available for sale under these export announcements. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for sale under the announcements. The statutory minimum price referred to in the price adjustment provision of these export sales announcements is 105 percent of the applicable price support rate plus the adjustments referred to in subparagraph C above. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at credit and barter sales prices.
Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

Oats, bulk

Domestic or export:[1]
Storable: Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent[3] of the applicable 1964 price support rate for the class, grade, and quality of the oats plus the amount shown below applicable to the storage point involved. For oats in-store at other than the point of production, the freight from point of production to the present point of storage will also be added.

Per bushel markup in-store at		Examples of per bushel formula minimum prices basis in-store		
Production point	Other points	Terminal	Grade and class	Price
Cents 7½	*Cents* 9	Chicago,[4] Ill.	No. 2 (XHWO)	$0.90½
		Minneapolis,[5] Minn.		.80¼

Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.
Nonstorable (as available): At not less than the market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the ASCS grain offices listed at end of table.

Export announcement sales:
(1) Under Announcement GR-368 (Rev. Aug. 31, 1959) as amended for feed grain export payment-in-kind programs. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to approved CCC credit and other designated sales. Oats will not be sold for applications to Title I, or Title IV, P.L. 480 purchase authorizations or for barter. Sale is at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at credit sales prices.
Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

See footnotes at end of table.

Commodity	Sales price or method of sale
Peanuts, shelled or unshelled (farmers' stock as available).	Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1 (Revised Jan. 4, 1962), as amended and supplemented March 3, 1964.
Rice, rough	Domestic or export: Unrestricted use: Market price but not less than 1964 loan rate plus 5 percent plus 25 cents per cwt., basis in store. Export: As milled or brown under Announcement GR-369, Revision II, Rice Export Program—Payment-in-kind, and under GR-379, Revision I, for approved credit sales.
Available	Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.
Rye, bulk	Domestic or export,[1] unrestricted use: Storable: Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent[3] of the applicable 1964 price support rate for the class, grade, and quality of the grain plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.

Per bushel markup received by		Examples of per bushel formula minimum price (ex-rail or barge)		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents 13½	*Cents* 7½	Minneapolis, Minn.	No. 2 or better (or No. 3 on TW only).	$1.43½

Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.
Nonstorable (as available): At not less than market price as determined by CCC through the ASCS grain offices listed at end of table.

Export:
(1) Under Announcement GR-368 (Revised Aug. 31, 1959) as amended, for feed grain export payment-in-kind program. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangements for approved CCC credit and other designated sales. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted in arriving at credit sales prices.
Available: Evanston, Kansas City, and Portland ASCS offices; also Minneapolis ASCS grain office for rye stored in terminals in Minneapolis.

Soybeans, bulk

Domestic or export: Unrestricted use: Market price, but not less than the 1964 basic loan rate for No. 2 grade, basis point of production plus 19 cents per bushel. Market discounts for quality factors will be applied to the basic price to determine the actual minimum sales prices. If delivery is outside the area of production, applicable freight and out-elevation charges at country loading point and in-elevation charges at subterminal or terminal storage point will be added to the above price.
Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City and Minneapolis ASCS offices.

Commodity	Sales price or method of sale
Wheat, bulk	Domestic or export, unrestricted use: A. Storable: The minimum price for such wheat shall be the highest of (a) market price as determined by CCC, (b) a minimum price for such wheat determined by CCC, or, (c) the Agricultural Act of 1949 formula price which is 105 percent of the applicable 1964 price support loan rate for the class, grade, and quality [4] of the wheat plus the amount shown in C below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to such formula price. B. Nonstorable: Such dispositions of nonstorable wheat as CCC may designate will be made at not less than market price, as determined by CCC. C. Markups and formula minimum price examples.

Per bushel markup received by		Examples of per bushel formula minimum price basis in-store [2] ex-rail or barge		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents 13½	*Cents* 7½	Chicago	No. 1 RW	$1.72½
		Kansas City	No. 1 HW	1.68½
		Portland	No. 1 SW	1.62½

D. Availability information: Storable Northern Spring Wheat sales for unrestricted use have been suspended until further notice. For information on CCC wheat sales from bin sites, contact ASCS State or county offices. For information on the disposition of wheat from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain office listed at end of table.

Export announcement sales:

(1) Under Announcement GR-345 (Revised August 25, 1964) as amended for export under the wheat export payment-in-kind program except that: (a) durum wheat will not be eligible for P.L. 480, Title 1 sales, and (b) hard winter wheat exports through West Coast ports will not be eligible for Title I, P.L. 480 sales, (2) under Announcement GR-261 (Rev. 2, Jan. 9, 1961, as amended and supplemented) for export as wheat and under Announcement GR-262 (Rev. 2, Jan. 9, 1961 as amended) for export as flour for application under arrangements for barter and approved CCC credit sales only at prices determined daily. Hard winter wheat will not be sold through West Coast ports under Announcements GR-261 or GR-262.

Available: Evanston, Kansas City, Minneapolis and Portland ASCS grain offices. (See above for limited availability of hard winter wheat through west coast ports.)

[1] Such dispositions shall be for domestic unrestricted use or for export.

[2] The delivery basis for these examples is "in-store", and market prices will be on the same basis. The formula price delivery basis for bin site sales will be f.o.b.

[3] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown in the appropriate table and any applicable freight.

[4] On sales made on a protein basis, the loan rate shall be increased by the applicable market or loan bulletin protein premium for the protein content of the wheat, whichever is higher. On sales made on a sedimentation basis, the loan rate shall be increased by the applicable loan bulletin sedimentation premium for the sedimentation value of the wheat. On sales made on a combined sedimentation and protein basis, the loan rate shall be adjusted by the applicable loan bulletin sedimentation and protein premiums and discounts for the respective sedimentation value and protein contents of the wheat.

[5] Woodford County, Ill., origin.

[6] Redwood County, Minn., origin.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Evanston ASCS Commodity Office, 2201 Howard Street, Evanston, Ill., 60202. Telephone: Long distance—University 9-0600 (Evanston Exchange). Local—Rogers Park 1-5000 (Chicago, Ill.).

Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, and West Virginia.

Branch Office—Minneapolis ASCS Branch Office, 210 Grain Exchange Building, Minneapolis, Minn., 55415. Telephone: 334-2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

Kansas City ASCS Commodity Office, 8930 Ward Parkway (P.O. Box 205), Kansas City, Mo., 64141. Telephone: Emerson 1-0860.

Alabama, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming.

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg., 97205. Telephone: 226-3361.

Alaska, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington (Domestic and Export Sales), Arizona and California (Export sales only).

Branch Office—Berkeley ASCS Branch Office, 2020 Milvia Street, Berkeley, Calif., 94704. Telephone: Thornwall 1-5121.

Arizona and California (Domestic sales only).

PROCESSED COMMODITIES OFFICE—(ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue, South Minneapolis, Minn., 55410. Telephone: 334-3200.

COTTON OFFICES—(ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La., 70112. Telephone: 529-2411.

Representative of General Sales Manager, New York Area: Joseph Reidinger, 80 Lafayette Street, New York, N.Y., 10013. Telephone: Rector 2-8000.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif., 94111. Telephone: 556-6185.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply Sec. 407, 63 Stat. 1066; Sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; Secs. 303, 306, and 307, 76 Stat. 614-617; 7 U.S.C. 1427; and 1441 (note))

Signed at Washington, D.C., on December 8, 1964.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 64-12764; Filed, Dec. 10, 1964; 8:50 a.m.]

Office of the Secretary

KANSAS AND WISCONSIN

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Kansas and Wisconsin natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies or other responsible sources.

KANSAS

Graham.
Rooks.
Sheridan.

WISCONSIN

Burnett.
Florence.
Forest.
Langlade.
Lincoln.
Oneida.
Rusk.
Washburn.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named Kansas counties after December 31, 1965, or in the above-named Wisconsin counties after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 7th day of December 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-12714; Filed, Dec. 10, 1964; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NEW DRUGS

Notice of Approval of Applications March–October 1964

As provided in § 130.33 of the new-drug regulations (21 CFR 130.33), notice is given of the following new drugs for which applications, or supplemental applications for substantive labeling changes, have been approved on the dates specified:

DRUGS FOR HUMAN USE

Active ingredients (as declared on label)	Trade name or other designated name and dosage form	Principal indication or pharmacological category	Applicant	Date approved	How dispensed [1]
Methopholine, 60 mg.	Versidyne (tablet).	Analgesic	Roche Laboratories, Nutley, N.J.	Mar. 31, 1964	R_x
Flurothyl	Indoklon (inhalation).	Convulsant	Ohio Chemical & Surgical Equipment Co., Madison, Wis.	Apr. 1, 1964	R_x
Meprobamate, 400 mg.	Meprobamate (tablet).	Tranquilizer	Rexall Drug Co., Los Angeles, Calif.	Apr. 6, 1964	R_x
Methopholine, 30 mg.; aspirin, 227 mg.; phenacetin, 162 mg.; caffeine, 32.4 mg.	Versidyne Compound 30 (tablet).	Analgesic	Roche Laboratories, Nutley, N.J.	do	R_x
Methopholine, 60 mg.; aspirin, 227 mg.; phenacetin, 162 mg.; caffeine, 32.4 mg.	Versidyne Compound 60 (tablet).	do	do	do	R_x
Tyloxapol, 0.25 percent; benzalkonium chloride 0.02 percent.	Enuclene (solution).	Contact lens solution.	Alcon Laboratories, Inc., Fort Worth, Tex.	do	R_x
Betamethasone, 0.2 percent.	Celestone (cream).	Anti-inflammatory hormone.	Schering Corp., Bloomfield, N.J.	Apr. 10, 1964	R_x
Betamethasone, 0.6 mg./5 cc.	Celestone (syrup).	do	do	Apr. 13, 1964	R_x
Meprobamate, 400 mg.	Sedabamate (tablet).	Tranquilizer	Mallard, Inc., Detroit, Mich.	do	R_x
Dexamethasone, 0.5 mg./5 ml.	Hexadrol (elixir)	Anti-inflammatory hormone.	Organon Inc., West Orange, N.J.	Apr. 23, 1964	R_x
Meprobamate, 200 mg., 400 mg.	Meprobamate (tablet).	Tranquilizer	Barrows Chemical Co., Inc., Inwood, Long Island, N.Y.	May 5, 1964	R_x
Meprobamate, 400 mg.	do	do	Strong Cobb Arner, Inc., Cleveland, Ohio.	do	R_x
Oxymetazoline hydrochloride, 0.05 percent.	Afrin (solution spray).	Decongestant	Schering Corporation, Bloomfield, N.J.	do	R_x
Chlorthalidone, 50 mg.; reserpine, 0.25 mg.	Regroton (tablet).	Antihypertensive; diuretic.	Geigy Pharmaceuticals, Ardsley, N.Y.	May 8, 1964	R_x
Sodium citrate, 2.63 percent; citric acid (hydrous), 0.327 percent; sodium biphosphate, 0.222 percent; dextrose (hydrous), 2.55 percent.	Cube-PAC (solution).	Blood collection-transfusion unit containing anticoagulant.	Baxter Laboratories, Inc., Morton Grove, Ill.	May 13, 1964	R_x
Meprobamate, 400 mg.	Meprobamate (tablet).	Tranquilizer	Pennex Products Co., Inc., Verona, Pa.	May 25, 1964	R_x
Fluocinolone acetonide, 0.01 percent.	Synalar (solution).	Anti-inflammatory hormone.	Syntex Laboratories, Inc., Palo Alto, Calif.	May 27, 1964	R_x
Ethylestrenol, 2 mg.	Maxibolin (tablet).	Anabolic hormone.	Organon Inc., West Orange, N.J.	May 28, 1964	R_x
Dexamethasone, 0.1 percent.	Maxidex (solution).	Anti-inflammatory hormone.	Alcon Laboratories, Inc., Fort Worth, Tex.	July 15, 1964 [2]	R_x
Triamterene, 100 mg.	Dyrenium (capsule).	Diuretic	Smith Kline & French Laboratories, Philadelphia, Pa.	Aug. 10, 1964	R_x
	Absorbable Surgical Suture, USP.	Suture	Ethicon, Inc., Summerville, N.J.	Aug. 27, 1964	R_x
Dexamethasone 21-phosphate, 0.1 percent.	Decadron Phosphate (cream).	Anti-inflammatory hormone.	Merck Sharp & Dohme Research Laboratories, West Point, Pa.	Sept. 11, 1964 [2]	R_x
Isoflurophate, 0.025 percent.	Floropryl (ointment).	Glaucoma	do	do [3]	R_x
Triamcinolone acetonide, 0.025 percent.	Kenalog (lotion)	Anti-inflammatory hormone.	E.R. Squibb & Sons, New Brunswick, N.J.	Sept. 25, 1964 [2]	R_x

See footnotes at end of table.

DRUGS FOR HUMAN USE—continued

Active ingredients (as declared on label)	Trade name or other designated name and dosage form	Principal indication or pharmacological category	Applicant	Date approved	How dispensed [1]
Meclizine hydrochloride, 25 mg.	Meclizine Hydrochloride (tablet).	Antimotion sickness.	Arlin Chemicals, Inc., Carlstadt, N.J.	Oct. 2, 1964	R_x
Anileridine dihydrochloride, 25 mg.	Apodol (tablet)	Analgesic	E. R. Squibb & Sons, New Brunswick, N.J.	Oct. 15, 1964	R_x
Anileridine, 25 mg./cc.	Apodol (injection)	do	do	do	R_x
Cholestyramine resin.	Cuemid (powder)	Antipruritic	Merck Sharp & Dohme Research Laboratories, West Point, Pa.	do	R_x

DRUGS FOR VETERINARY USE

Dexamethasone, 10 mg.	Azium (bolus)	Anti-inflammatory hormone.	Schering Corporation, Bloomfield, N.J.	Mar. 25, 1964	R_x
Acepromazine maleate, 10 mg./cc.	Acepromazine maleate (injection).	Tranquilizer	Ayerst Laboratories, Inc., New York, N.Y.	Apr. 8, 1964	R_x
Hydrochlorothiazide, 25 mg./cc.	Vetidrex (injection).	Diuretic	CIBA Pharmaceutical Co., Summit, N.J.	May 1, 1964	R_x
Hydrochlorothiazide, 1 gm.	Vetidrex (bolus)	do	do	May 6, 1964	R_x
Iron hydrogenated dextran, 100 mg./cc. iron.	Hyferdex (injection).	Hematinic	Corvel, Inc., Omaha, Nebr.	May 8, 1964	OTC
Primidone, 250 mg.	Medi-Pets (tablet).	Anticonvulsant	Ayerst Laboratories, Inc., New York, N.Y.	Sept. 25, 1964	R_x
Cyclothiazide, 1 mg.	Renazide (tablet)	Diuretic	Corvel, Inc., Omaha, Nebr.	Oct. 2, 1964 [3]	R_x
Dexamethasone, 10 mg.	Azium (powder)	Anti-inflammatory hormone.	Schering Corporation, Bloomfield, N.J.	Oct. 13, 1964	R_x
Ferric oxide stabilized with a low viscosity dextrin, 100 mg./cc. iron.	Dexiron-100 (injection).	Hematinic	Norden Laboratories, Inc., Lincoln, Nebr.	do	OTC

[1] The abbreviation "R_x" means restricted by law to prescription only; the abbreviation "OTC" applies to drugs that by law are not required to be sold on prescription.
[2] Supplemental application, labeling change.
[3] Supplemental application, new package size.

(Sec. 701(a), 52 Stat. 1055, as amended; 21 U.S.C. 371(a))

Dated: December 2, 1964.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 64-12658; Filed, Dec. 10, 1964; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-183]

GENERAL ELECTRIC CO.

Notice of Proposed Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission proposes to issue Amendment No. 2, set forth below, to Provisional Operating License No. DR-10 which authorizes the General Electric Company to operate its ESADA-Vallecitos Experimental Superheat Reactor located near Pleasanton, California. The amendment will authorize an increase in operating power level from 12.5 Mwt to 17 Mwt.

The Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

(2) The issuance of this amendment will not be inimical to the common de-

fense and security or to the health and safety of the public.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment (Proposed Change No. 9) dated August 14, 1964, as supplemented on August 21, 1964, and (2) a related hazards analysis prepared by the Test & Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545. Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 7th day of December 1964.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

AMENDMENT TO PROVISIONAL OPERATING LICENSE

[License DR-10, Amdt. 2]

Provisional Operating License No. DR-10 issued to the General Electric Company is hereby amended in the following respects:

1. Paragraph 1 is revised by adding the dates of "August 14, 1964," and "August 21, 1964", to the list of dates therein of amendments to General Electric's application for operating license.

2. Paragraph 4.A. is revised in its entirety to read as follows:

"A. General Electric shall not operate the reactor at power levels in excess of 17.0 megawatts thermal."

3. The Technical Specifications attached as Appendix "A" to Provisional Operating License No. DR-10 are changed as set forth in the attachment hereto.

This amendment is effective as of the date of issuance.

For the Atomic Energy Commission.

Director,
Division of Reactor Licensing.

ATTACHMENT "B"

CHANGES TO TECHNICAL SPECIFICATIONS

NOTE: The following changes pertain to the power level increase:

1. Change paragraph V.C.1. to read as follows:

"1. The reactor shall not be operated at a planned normal power level in excess of 17 Mw (thermal). The power level (high neutron flux) scram setting on the picoammeters shall be set at a level not in excess of 125% of the maximum planned normal power level for any given test operation, but shall in no event be set at a level greater than 21.3 Mwt."

2. In paragraph VI.E.2., fourth line, change "12.5 Mwt" to read "17 Mwt".

[F.R. Doc. 64-12717; Filed, Dec. 10, 1964; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15556; Order E-21564]

AIR TRAFFIC CONFERENCE OF AMERICA

Order Authorizing Discussions of Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of December 1964.

On September 22, 1964, by Order E-21310, the Board authorized certain discussions among the members of the Air Traffic Conference (ATC) relating to proposed revisions in the free baggage allowance and excess baggage charges. Such discussions took place at the ATC meeting on the 28th and 29th of October. As a result, it was decided that certain surveys and further discussion were needed in order to permit a full evaluation of the new approach being considered. ATC, by its Executive Secretary, has, therefore, requested that the authorization of discussions be extended so as to permit conduct and evaluation of the surveys as well as further discussions of the matter at a special Conference meeting to be called in March.

As outlined in the request of ATC, the survey would be conducted under a Special Committee of airline representatives and an "Ad Hoc" Committee working under the Special Committee. There would be two survey periods: the first, in the middle of November, and the second, during the first week in February. Analyses of the results and preparation of a final report and recommendations to the Conference would be begun at meetings of the Special and "Ad Hoc" Committees in December. No meetings are presently scheduled for January, but the committees would meet in February to finalize the report and recommendations to be presented at a special Conference meeting to be called in March.

The ATC request apparently contemplates a blanket authorization covering the five-month period between the present and the March Conference meeting. However, the power to permit such discussions to take place free from application of the antitrust laws is an extraordinary one which we are reluctant to use except in the most limited and carefully controlled circumstances. The actual physical conduct of the surveys and tabulation of the results would appear to require no authorization. Moreover, we do not believe that a blanket authorization permitting informal discussions at any time the participants desire is either necessary or proper. Accordingly, we will limit the authorization to those instances where it appears to be needed, i.e., specific meetings at which the results of the survey will be analyzed and recommendations formulated. There are four such committee meetings and the special conference meeting scheduled for March of next year.

Our reasons for departing from our policy of precluding inter-carrier discussions of domestic rates in this case have already been stated in Order E-21310. The surveys contemplated by the instant request would appear to be useful in reaching a result consistent with the public interest. Accordingly, the Board has decided to authorize further discussions to the extent necessary. The authorization will be conditioned in a manner to provide adequate safeguards to the public interest. In addition, we will require that the tabulated results of each carrier's survey be filed with the Board together with any over-all compilation so that we may have the benefit of such information in evaluating any agreement that may be presented to us for approval, or in the further processing of Docket 14274, if no agreement is reached.

The five-month period during which the surveys will be conducted and evaluated, in our opinion is too long a time to delay the further processing of the investigation in Docket 14274. There is no assurance that the discussions authorized will culminate in a satisfactory agreement. The prehearing conference in this case was originally scheduled for October 24 and was postponed until further notice in order to permit the carriers to discuss the American Airlines proposal at the October ATC meeting. Thus, a substantial delay has already been permitted and to sanction still further delay would deprive the public of the expeditious disposition to which it is entitled should the further carrier discussions prove not to be fruitful. We will, therefore, direct that the prehearing conference be reassigned for a date in the near future and that the processing of the investigation proceed normally while the survey is being conducted and evaluated.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412 and 414 thereof:

It is ordered, That,

1. The carrier members of the Air Traffic Conference of America are authorized to engage in discussions on one occasion during March 1965 looking toward possible revisions to the currently effective baggage allowances and charges: *Provided,* That, if the Board deems it appropriate or necessary, observers from the Board's staff shall attend such discussions.

2. The carrier representatives, listed below who are members of a Special or "Ad Hoc" Committee of the Air Traffic Conference of America are authorized to meet on three occasions in December of 1964 and one occasion in February of 1965 to discuss possible revisions in baggage allowances and charges: *Provided,* That, if the Board deems it appropriate or necessary, observers from the Board's staff shall attend such discussions.

3. The Board be given at least 48 hours notice of the time and place of any discussion authorized herein by filing written notice with the Board's Docket Section.

4. Complete and accurate minutes shall be kept of all such discussions, and a true copy thereof be filed with the Board's Docket Section not later than 30 days after the conclusion of the discussions.

5. Any agreement or agreements reached as a result of such discussions (together with the minutes of such discussions) shall be filed with the Board in accordance with section 412 of the Federal Aviation Act of 1958 and approved by the Board prior to being placed in effect.

6. The tabulated results of each participating carrier's survey of passenger baggage to be conducted by the Air Traffic Conference of America in November of 1964 and February of 1965 together with any overall compilation of such surveys shall be filed with the Board's Docket Section not later than 30 days after they are available.

7. This order shall be served upon all domestic certificated local service and trunkline air carrier members of the Air Traffic Conference of America.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

SPECIAL COMMITTEE

F. J. Mullins	American Airlines
R. H. Burck	Braniff Airways
R. E. Hill	Bonanza Airlines
W. J. Mitchell	Frontier Airlines
D. S. Getchell	Lake Central Airlines
R. P. Hubley	Los Angeles Helicopter
J. W. Colther	National Airlines
B. D. Jones	Trans World Airlines
W. D. Dilworth	United Airlines
M. E. Sullivan	Western Airlines

AD HOC COMMITTEE

R. F. Wall	United Airlines
E. E. Dittmars	American Airlines
G. W. Hunt	Continental Airlines
R. C. Hannon	Ozark Airlines

[F.R. Doc. 64-12761; Filed, Dec. 10, 1964; 8:50 a.m.]

[Docket No. 7531; Order E-21565]

CITY OF FALL RIVER, MASS.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of December 1964.

On November 30, 1955, the City of Fall River, Massachusetts filed with the Board a complaint alleging that Northeast Airlines, Inc. has failed to provide the city with adequate air service within the meaning of section 404(a) of the Federal Aviation Act, and requesting that the carrier be required to provide the city, at its own airport, with a minimum of three daily round trips to New York City.

Northeast was first certificated to serve Fall River in Northeast Airlines, Inc., Additional Service to Boston, 4 C.A.B. 686 (1944). However, the Board in its decision authorized service by Northeast to Fall River through the New Bedford airport.[1] No changes in Northeast's Fall River-New Bedford certificate authority have been made since 1944, and Northeast has continued to serve Fall River through the New Bedford airport since that time. At present Northeast is providing New Bedford-Fall River with three daily round trips to New York.[2] Flights are presently scheduled so as to provide both cities with early morning, afternoon, and evening departures.

In view of Northeast's certificate obligation to serve New Bedford-Fall River as a single, hyphenated point and Northeast's New York commuter schedules provided Fall River through the New Bedford airport, only 13 miles and 30 minutes driving time from downtown Fall River,[3] we see no basis for proceeding further with Fall River's complaint. The Board tentatively finds and concludes that the complaint does not state facts warranting the institution of an adequacy of service investigation. Therefore, the City of Fall River will be directed to show cause why its complaint should not now be dismissed.

Accordingly, it is ordered,

1. That all interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and dismissing the complaint of Fall River, Massachusetts in Docket 7531.

2. That all interested persons having objection to the issuance of an order making final the proposed findings and conclusions set forth herein shall, within 15 days of service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections, such statement to conform to the Board's Rules of Practice in Economic Proceedings;[4]

3. That, if timely objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. That, in the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. That a copy of this order shall be served on the City of Fall River, Massachusetts and Northeast Airlines, Inc., who are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-12762; Filed, Dec. 10, 1964; 8:50 a.m.]

[1] 4 C.A.B. at 698.
[2] Official Airline Guide, November 1, 1964.
[3] OAG, October 1, 1964.
[4] No petition for reconsideration of this order will be entertained.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15535, 15536; FCC 64M-1226]

NELSON BROADCASTING CO. AND UBIQUITOUS FREQUENCY MODULATION, INC.

Order Continuing Hearing

In re applications of Donald P. Nelson & Wilbur E. Nelson, d/b as Nelson Broadcasting Company, Kingston, New York, Docket No. 15535, File No. BPH-4211; Ubiquitous Frequency Modulation, Incorporated, Hyde Park, New York, Docket No. 15536, File No. BPH-4312; for construction permits.

The Hearing Examiner having under consideration a letter request for continuance of hearing dated December 4, 1964, from Ubiquitous Frequency Modulation, Incorporated in the above-entitled matter, and

It appearing, that a continuance is a necessity in the circumstances of this case and that counsel for the other applicant and the Commission's Broadcast Bureau have agreed to a reasonable continuance and immediate consideration of the request,

It is ordered, This 7th day of December 1964, that the aforesaid request is granted, and that, accordingly, the present hearing date of December 11, 1964, is changed to December 14, 1964, on which day the hearing will commence at 10:00 a.m. in the Commission's offices in Washington, D.C.

Released: December 7, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-12756; Filed, Dec. 10, 1964; 8:50 a.m.]

[Docket Nos. 14878, 14879; FCC 64M-1228]

PRATTVILLE BROADCASTING CO. AND BILLY WALKER

Memorandum Opinion and Order Scheduling Hearing

In re applications of Ned N. Butler and Claude M. Gray, d/b as the Prattville Broadcasting Company, Prattville, Alabama, Docket No. 14878, File No. BP-14571; Billy Walker, Prattsville, Alabama, Docket No. 14879, File No. BP-14729; for construction permits.

1. In their pleadings filed December 3, 1964, the applicants move for a field hearing in the above-entitled proceeding. The Broadcast Bureau consents.

2. The applicants herein are competing for authorization to construct and operate a daytime standard broadcast station in Prattville, Alabama, using the frequency 1330 kilocycles. Prattville Broadcasting Company proposes power output of 1 kilowatt; Walker proposes

500 watts. Following hearings held March 20 and 21, 1963, Hearing Examiner Basil P. Cooper issued an Initial Decision looking toward grant of the Walker application and denial of the competing application. Thereafter, the Commission's Review Board, upon consideration of a series of pleadings, remanded the case to the Hearing Examiner for further hearings and the issuance of a Supplemental Initial Decision on additional issues, viz., whether applicant Walker lacked candor in the showing heretofore made in support of his application, and whether he attempted to mislead the Commission in regard to his financial qualifications and the possible interest of another party in his application. Hearings on the remand which were originally scheduled to commence December 8, 1964, in Washington, D.C., are being continued to January 13, 1965.

3. The language of the Review Board's remand order, as well as the showing made by the applicants in support of their pleadings, make clear that full development of the evidence under the new issues is possible only through the field hearing sought.

It is ordered, This 7th day of December 1964, that the motions are granted, and that sessions of the hearings in the above-entitled proceeding will be held in Prattville, Alabama, commencing January 13, 1965.

Released: December 7, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-12757; Filed, Dec. 10, 1964; 8:50 a.m.]

[Docket Nos. 15701, 15702; FCC 64M-1230]

SOUTHERN NEWSPAPERS, INC., AND RADIO HOT SPRINGS CO.

Order Advancing Prehearing Conference

In re applications of Southern Newspapers, Inc., Hot Springs, Arkansas, Docket No. 15701, File No. BPH-3984; C. J. Dickson, Guy R. Beckham and James M. Alexander, d/b as Radio Hot Springs Company, Hot Springs, Arkansas, Docket No. 15702, File No. BPH-4124; for construction permits.

The Hearing Examiner having under consideration a petition filed on December 4, 1964, by the Broadcast Bureau, requesting that the prehearing conference in the above-entitled proceeding, presently scheduled for December 23, 1964, be advanced to December 16, 1964; and

It appearing, that Broadcast Bureau counsel assigned to this proceeding will be unable to meet the presently scheduled prehearing date of December 23, 1964; and

It further appearing, that counsel for all other parties to this proceeding have informally consented to the requested advance of the date of the prehearing conference and agreed to a waiver of the four-day rule for consideration of this pleading;

It is, therefore ordered, This 7th day of December 1964 that the petition be and it is hereby granted; and the prehearing conference in the above-styled proceeding be and it is hereby advanced from December 23, 1964, at 9:00 a.m., to December 16, 1964, at 10:00 a.m., in the offices of the Commission in Washington, D.C.

Released: December 7, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-12758; Filed Dec. 10, 1964; 8:50 a.m.]

[Docket No. 15641; FCC 64R-552]

INTERNATIONAL PANORAMA TV, INC.

Memorandum Opinion and Order Amending Issues

In re application of International Panorama TV, Inc., Fontana, California, Docket No. 15641, File No. BPCT-3181; for construction permit for new television broadcast station.

1. The Review Board has before it for consideration a petition to clarify or enlarge issues, filed November 6, 1964, by Broadcast Bureau.[1]

2. On April 22, 1963, International Panorama TV, Inc. (hereinafter International) filed its instant application for a construction permit for a new television broadcast station to operate on Channel 40, Fontana, California. Channel 40 is allocated to Riverside, California, but the applicant has specified Fontana, California, as its principal community to be served. The proposed new station would place a principal city signal over the whole of Los Angeles, California, as well as over Fontana and Riverside.

3. At the time the Commission designated the above-captioned application for hearing, it had before it a petition to deny, and pleadings related thereto. Said petition was filed by Spanish International Broadcasting Company, permittee of Television Station KMEX-TV, Channel 34, Los Angeles, California (hereinafter KMEX).[2] KMEX alleged that Angel Lerma Maler (also known as Angel Lerma; for consistency the name Maler will be used here), president and 75 percent shareholder of International, and 100 percent owner of Panorama Latino TV, Inc. (which produces Spanish language television programming for telecast over Station KCOP-TV, Channel 13, Los Angeles), lacked the requisite character qualifications to be a broadcast licensee. In its petition KMEX asserted that Maler tried to injure Station KMEX-TV by sending, under fictitious Latin American names, letters disparaging various practices of the station to the Commission, government officials, and some of the station's advertisers, among others. In its petition, KMEX also asserted that an inaccurate report concerning the degree of UHF conversion in the Los Angeles area, which bore the legend "Associated Research Company" and which was extracted from a more complete version of a survey report, was circulated anonymously by Panorama Latino TV, Inc., among various advertising agencies and other potential time buyers of KMEX-TV. A copy of one of the "inaccurate reports" was attached to the petition, but a copy of the "more complete version" was not. In an affidavit attached to the petition, Donn E. Mire, an examiner of questioned documents, stated that a copy of the altered report and the envelope in which it was mailed were typed on the same machine as a carbon copy of a letter which was found by a private detective in a trash can used by Panorama Latino TV, Inc., and which had the name Angel Lerma typed below the space reserved for the signature. An attached affidavit of said detective, Lee Worthington Cake, verified the discovery of said carbon copy.

4. In its opposition, which was verified by Maler, to KMEX's petition to deny, International stated that "Mr. Lerma [Maler] ha[d] been unable, after a most careful investigation, to find out who prepared and sent this report * * * [and] affirms that neither he nor, on his investigation anyone connected with Panorama Latino, prepared *or* distributed [it] * * *" In an attached affidavit Maler claimed that during the years 1962 and 1963 there were several unauthorized entries into the offices of Panorama Latino TV, Inc. While two other attached affidavits attempted to show that Alexander G. Golomb (also known as Alexander G. Colombo), an employee of Panorama Latino TV, Inc., wrote and was solely responsible for the aforementioned disparaging letters,[3] there was no admission of responsibility for the altered report.

5. In an affidavit attached to KMEX's reply to opposition, James Coyle, who had requested Associated Research Company to conduct a survey of UHF conversions in the Los Angeles area, stated that he had forwarded to Maler, at the latter's request and for his "own personal use," a copy of an abbreviated report of the full survey report, both of which were written by aforesaid research company and which were, according to Coyle's instructions, to be read together; that af-

[1] Also before the Review Board are: (a) opposition, filed November 10, 1964 by International Panorama TV, Inc., and (b) reply to the opposition filed November 18, 1964, by the Broadcast Bureau. The Broadcast Bureau filed its petition more than fifteen days after the publication of the designation Order in the FEDERAL REGISTER, but it has shown good cause to justify its delay.

[2] KMEX claimed standing in this proceeding on the ground that International's proposed station would compete with it for revenues in the Los Angeles area and that it would suffer economic injury due to a diversion of revenues.

[3] In one of said affidavits, Golomb admitted his sole responsibility for writing the letters; in the other affidavit, John J. Harris, examiner of questioned documents, stated that the signatures on the letters were in Golomb's handwriting.

ter Coyle had learned that altered copies of the abbreviated report were in circulation, he called Maler and asked him if he had distributed the altered report; and that at first Maler answered in the negative, but upon being asked a second time, Maler admitted mailing the altered report to "a few friends." In another affidavit, Miguel Reyes Medina stated that Maler showed him a copy of the altered report. Attached to KMEX's reply to opposition were copies of the altered summary report, the original full report, and the original summary report. The one significant difference between the two abbreviated reports, both of which state as a conclusion that "retail sales to the public of UHF Converters have declined for each succeeding month since sales began," is that the altered one has the following inscription on a fly sheet, and substantially the same inscription at the tops of five of the six pages of the report, whereas the original one has no fly sheet nor a similar inscription:

ASSOCIATED RESEARCH COMPANY COMMENTS FROM TV RETAILERS ON SALES AND PERFORMANCE OF CONVERTORS FOR THE NEW UHF KMEX–TV CHANNEL 34

6. In its Memorandum Opinion and Order of designation (FCC 64–903), released October 2, 1964, the Commission dismissed KMEX's petition as being untimely filed, but nevertheless it decided to "consider the questions raised therein" on its own motion. Relevant to the instant problem are the following statements of the Commission:

4. We are asked to consider four questions in this matter * * * [one of which is] whether the applicant has the requisite character qualifications to be a broadcast licensee, in view of the disparaging letters discussed below.

* * * * *

8. The basic problem presented by this case is the question of whether the applicant has the requisite character qualifications to be a broadcast licensee. In order to place our decision in proper perspective, a brief summary of the events leading to the filing of the petition in this matter appears appropriate.

9. * * * [The Commission here discusses the letters sent to the Commission.] There are also other letters and documents involved which the petitioner alleges were sent by Maler to advertisers and others in an attempt to defame, injure and destroy Station KMEX–TV.

10. In January 1964, the applicant was apprised by the Commission of the information at hand and was requested to comment on the charges that the letters had originated in the offices of Panorama Latino TV. Maler thereupon submitted a categorical denial, under oath, stating that he had no knowledge whatsoever of the letters or their origin. Subsequently, the applicant instituted its own investigation into the matter and discovered that the letters had all been written by one Alexander G. Golomb. * * * The applicant, however, states that the letters were written by Golomb for reasons of his own without the knowledge, consent or acquiescence of Maler. Maler steadfastly and categorically denies that he knew about the letters, that he had any connection therewith, or that he acquiesced in, condoned, or ratified Golomb's actions. The applicant has submitted affidavits to support its position, including one from Golomb in which he swears that he was solely responsible for the letters, that he wrote them in Maler's absence, that he wrote the letters at home, that he subsequently surreptitiously had the type on the typewriter changed, and that he used fictitious names * * * Petitioner alleges that, in any event, Maler ratified Golomb's action by retaining Golomb in his employ after the authorship of the letters was discovered.

11. The only question to be resolved in this proceeding is the responsibility, if any, of Maler. There is presently insufficient information before the Commission to allow us to make a judgment as to the plausibility of the explanation offered by the applicant. Obviously, this application cannot be granted without resolving the question of whether Maler must bear some responsibility in this matter. While it is apparent that no person other than Maler and those associated with him could have the "personal knowledge" required of affiants by Section 309(d) of the Communications Act, as to what Maler actually knew, it is conceivable that testimony could be elicited and evidence adduced from which valid inferences could be drawn as to Maler's responsibility, if any, for the actions of Golomb. Just as the public interest would require us to determine whether the applicant has the requisite qualifications to be a broadcast licensee if the evidence discloses Maler's complicity, so the public interest would seem to require a grant free of unresolved character questions if the evidence discloses Maler's innocence. It seems to us, therefore, that even if the evidence discloses that Maler was, to some extent and in some manner, responsible for the letters and other documents, we must further determine whether such responsibility necessarily reflects adversely on his character and, if so, whether the public interest would necessarily require us to deny the application. Clearly, a full and complete record of all of the facts and circumstances surrounding the writing of these letters and other documents is necessary in order to enable us to resolve these questions * * *

7. The Commission consequently designated the International application for hearing upon the following issues:

1. To determine whether Angel Lerma Maler was responsible for the actions of Alexander G. Golomb (also known as Alexander G. Colombo) in writing letters and other documents referred to in this Memorandum Opinion and Order and, if so, the nature and extent thereof.

2. To determine, if Issue 1 is resolved in the affirmative, whether the conduct of Angel Lerma Maler adversely reflects on the qualifications of the applicant to be a broadcast licensee.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

8. Believing that the aforestated issues encompass both the matter of the letters and the matter of the report, the Broadcast Bureau requested a conference with the Hearing Examiner in order to obtain a clarification and interpretation of said issues. At the conference, held November 4, 1964, the Broadcast Bureau was unable to obtain a ruling that the matter of the report is encompassed within the issues. While the Examiner said that he could not see that the report was referred to even remotely in the Commission's designation Order (Tr. 35, 41), he stated:

[W]hether I would be disposed to receive the report or any testimony with reference to it, I could not pass on that now. I would have to see the witness, and listen to counsel's objection, and rule on the record accordingly * * *. What specifically I am going to receive in evidence under these issues, I could not state at this time. (Tr. 29–30)

Later, at Tr. 41, 42–43, the Examiner stated that while he would not make a declaratory ruling at that time, at the hearing he would permit the Broadcast Bureau to present evidence concerning the report and would entertain International's motion to strike after completion of the testimony. He said he was "trying to save time" and "trying to avoid a trip to the Commission on amended issues" (Tr. 45). However, since this proposal was not acceptable to International the Examiner withdrew it (Tr. 45).

9. The Broadcast Bureau now requests (a) that the Review Board clarify Issue 1 by holding that it encompasses inquiry into Maler's activities with regard to the abbreviated report and his representations to the Commission concerning said report; or (b) that, if the Review Board does not clarify Issue 1 as requested in (a), it designate the following issue:

To determine whether Angel Lerma Maler was responsible in any way for the preparation and/or dissemination of a "summary report" regarding UHF conversion in Los Angeles; and whether Maler misrepresented and/or was lacking in candor in furnishing information to the Commission regarding his knowledge of the preparation and/or dissemination of this summary report.

The Broadcast Bureau bases its position on the fact that in its designation Order the Commission occasionally uses the language "letters and other documents" (see above, para. 4). The Broadcast Bureau asks, "What was the Commission referring to when it used the word 'document', if it was not referring to the summary report?" And petitioner states that in light of the affidavit of Coyle and "the findings of the questioned document analyst" (Donn E. Mire), a question is presented as to whether Maler, in denying any knowledge of the preparation or dissemination of the report, made misrepresentations to the Commission.

10. It is clear from the context of paragraph 11 of the Commission's Memorandum Opinion and Order and from Issue 1 itself that the Commission's primary concern was the responsibility of Maler for the actions of Golomb. There is no doubt that Issue 1 does not call for a determination of whether Maler was solely responsible for writing anything. Thus, it is significant here that there were no allegations by International (or KMEX) before the Commission—nor did the Commission make any comments—that there was any connection between Golomb and the summary report; his name was mentioned throughout the pleadings and the decision only in relation to the letters. On this ground alone the Review Board must conclude that Issue 1 is restricted to a determination of whether Maler was responsible for Golomb's letter-writing activities, and not whether he was solely to blame for the alteration and/or dissemination of the summary report.

11. In recommending addition of its proposed issue, the Broadcast Bureau is not renewing any request made in KMEX's petition to deny, nor is it asking for reconsideration of the Commission's

designation Order. Instead the Broadcast Bureau is desirous of adding an issue, based upon the affidavits of Coyle and Mire and the contradictory affidavit of Maler, as to whether the latter had made any misrepresentation to the Commission or was lacking in candor.[4] In its petition to deny KMEX was concerned with Lerma's character qualifications and did not allege misrepresentation concerning the altered report. Thus, the Commission was not faced with the misrepresentation question which is now before the Review Board and consequently did not address itself to said question. The Review Board believes that the issue requested by the Broadcast Bureau must be added to this proceeding in light of the question raised by the affidavits of Mire, Coyle, and Reyes,[5] especially when viewed with the statement verified by Maler concerning the latter's lack of knowledge of the preparation and/or dissemination of the summary report. This application cannot be granted without a resolution of said question, which might well go to the heart of Maler's qualifications to be a broadcast licensee. While no person other than Maler and those associated with him could have the "personal knowledge" required of affiants by Section 309(d) of the Communications Act, as to what Maler actually did or knew, it is conceivable that testimony could be elicited and evidence adduced from which valid inferences could be drawn concerning Maler's implication in the matter of the altered summary report. It is clear that a full and complete record of all the facts and circumstances surrounding Maler's connection with the altered report is necessary in order for a determination to be made concerning Maler's qualifications.

Accordingly, it is ordered, This 7th day of December 1964, That the petition to clarify or enlarge, filed November 5, 1964, by the Broadcast Bureau, is denied insofar as clarification is concerned, and is granted insofar as enlargement is concerned; that existing issues 2 and 3 are renumbered as issues 3 and 4; and that the issues in this proceeding are enlarged by addition of the following new issue 2:

2. To determine whether Angel Lerma Maler was responsible in any way for the preparation and/or dissemination of a "summary report" regarding UHF conversion in Los Angeles; and whether Maler misrepresented and/or was lacking in candor in furnishing information to the Commission regarding his knowledge of the preparation and/or dissemination of this summary report.

It is further ordered, That issue 3 is amended to read as follows:

3. To determine, if Issue 1 or 2 is resolved in the affirmative, whether the conduct of Angel Lerma Maler adversely reflects on the qualifications of the applicant to be a broadcast licensee.

Released: December 8, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-12759; Filed, Dec. 10, 1964; 8:50 a.m.]

[4] As is stated above, International's opposition, which was verified by Maler, stated that Maler claimed, after making an investigation into the matter of the altered report, that neither he nor anyone connected with Panorama Latino prepared or distributed the report. In an affidavit attached to the petition to deny Mire stated that the altered report was typed on the same machine as a letter allegedly written in the offices of Panorama Latino. And in an affidavit attached to KMEX's reply to opposition, Coyle claimed that during a phone conversation with Maler, the latter first told him that he had not distributed the altered report but, upon further questioning, admitted having mailed said report to a few friends.

[5] As is stated above, in an affidavit attached to KMEX's reply to opposition, Reyes alleged that Maler showed him a copy of the altered report.

[Docket Nos. 15248, 15626; FCC 64R-551]

UNITED ARTISTS BROADCASTING, INC., AND OHIO RADIO, INC.

Memorandum Opinion and Order Amending Issues

In re applications of United Artists Broadcasting, Inc., Lorain, Ohio, Docket No. 15248, File No. BPCT-3168; Ohio Radio, Incorporated, Lorain, Ohio, Docket No. 15626, File No. BPCT-3348; for construction permit for new television broadcast station.

1. The Review Board has before it for consideration a motion to enlarge issues, filed October 8, 1964, by Ohio Radio, Incorporated (Ohio).[1] Ohio seeks to enlarge issues beyond those designated by Commission Order, FCC 64-860, released September 18, 1964, by the addition of five issues as to United Artists Broadcasting, Inc. (United Artists):

(1) To determine the efforts made by United Artists Broadcasting, Inc., to ascertain the programming needs and interests of the area to be served, and the manner in which it proposes to meet such needs and interests.

(2) To determine whether in light of the evidence adduced in connection with the "Suburban" issue, whether United Artists Broadcasting, Inc., can be relied upon to carry out its program proposal.

(3) To determine whether the application of United Artists Broadcasting, Inc., should be denied because of conflict with the requirements of § 73.613 of the rules.

(4) To determine whether the proposal of United Artists Broadcasting, Inc., is consistent with section 307(b) of the Communications Act and the policies reflected therein, and §§ 73.606 and 73.607 of the Commission's rules and the policies reflected therein.

(5) To determine whether United Artists Broadcasting, Inc., is financially qualified to construct, own and operate the proposed television broadcast station.

These requested issues will be discussed in order.

2. United Artists originally filed an application for Channel 65, Cleveland, Ohio, on March 25, 1963; that application was designated for comparative hearing with two competing applications on December 23, 1963 (FCC 63-1161). An amendment offered by United Artists was granted on April 1, 1964 (FCC 64M-275) permitting withdrawal of United Artists from the Channel 65 proceeding and allowing an amendment of its application to specify Channel 31, Lorain, Ohio. On May 26, 1964, Ohio filed an application for Channel 31, Lorain. At the time of United Artists' Channel 31 amendment, a rule making proceeding was in progress (Docket No. 14229), to consider a proposal for the transfer of Channel 31 from Lorain to Cleveland. That proceeding is still pending.

3. *Requested Issues 1 and 2.* Ohio alleges that United Artists' amended application, although it specifies Lorain as its principal city, made no change in the programming which had been proposed for Cleveland. Movant contends that the similarities in United Artists' program proposals for Cleveland and Lorain raise a question as to whether the proposal for Lorain has been tailored to meet the needs of the area to be served. Ohio further contends that in similar situations the Commission and the Board have inquired into an applicant's proposal. It cites *Suburban Broadcasters,* FCC 60-559, 20 RR 52 (1960) and *Geoffrey Lapping,* FCC 63R-348, 1 RR 2d 153 (1963). Ohio asserts that a "Suburban" issue is necessary in that Lorain and Cleveland are in separate standard metropolitan statistical areas and the city of Lorain is not otherwise identified with the Cleveland Urbanized Area. In addition, Ohio alleges that United Artists' failure to amend its program schedule indicates that the applicant did not make a study of the program needs of Lorain and did not prepare its program proposal on the basis of such inquiry or investigation.

4. The Broadcast Bureau supports Ohio's request for Issue 1 and cites the retention of the "Cleveland" program titles in United Artists' proposed Channel 31 schedule, as indicating the need for a "Suburban" issue. The Bureau further contends that simply because Lorain is located in the service area of United Artists' Channel 65 proposal, it does not follow that a program proposal for Cleveland will serve the local needs and interests of Lorain or that United Artists' present Channel 31 proposal will serve as a local outlet for Lorain. The Bureau's position is that absent a bona fide attempt by United Artists to ascertain local needs and interests of Lorain a "Suburban" issue should be added. United Artists opposes the addition of this issue, contending that the instant case is not a "Suburban-type" case because its application does not involve identical program schedules for completely different communities or factual allegations that the applicant has no familiarity with program needs, interests, and tastes of the public to be served. United Artists

[1] Pleadings before the Review Board are: (1) Motion to enlarge issues, filed October 8, 1964, by Ohio Radio, Inc.; (2) comments, filed October 21, 1964, by the Broadcast Bureau; (3) opposition, filed October 21, 1964, by United Artists Broadcasting, Inc.; and (4) reply, filed November 2, 1964, by Ohio Radio, Inc.

contends that Lorain is part of the Cleveland "metropolitan complex" and that its proposals for Channels 65 and 31 would serve substantially the same areas and populations. Moreover, United Artists asserts that the ultimate assignment of Channel 31 is uncertain due to the pending rule making proceeding and it would be "artificial" to file a revised program proposal at this time. Finally, United Artists contends an inquiry into its program proposal can be made under the existing standard comparative issue.

5. The Board and the Commission have indicated that an applicant has the responsibility of ascertaining the needs of the community which he proposes to serve and to program to meet such needs. Springfield Telecasting Co., FCC 64R–471, 3 RR 2d 727; Community Telecasting Corp., FCC 62–523, 32 FCC 933, 24 RR 1; Suburban Broadcasting Co., FCC 60–559 20 RR 52; Radio Tifton, 11 RR 1167 (1955). Where an applicant's program proposal is the same as that which he has proposed for another community, a "Suburban" issue will be added, absent a showing by the applicant that he is familiar with the needs of the community he proposes to serve. Consequently, the fact that United Artists' signal encompasses both Cleveland and Lorain does not serve to absolve the applicant of its responsibility to ascertain the needs and interests of its principal community, Lorain. There is no showing of any bona fide attempt on United Artists' part to ascertain the needs and interests of Lorain, either through investigation of those needs or through any allegation of familiarity with the area. See Bootheel Broadcasting Co., FCC 64R–47, 24 RR 292 (1962). Further, the assertion that Lorain is a Cleveland suburb has no basis in fact. Lorain is classified by the United States Census Bureau as part of the Lorain-Elyria Standard Metropolitan Statistical Area (SMSA), which is separate from the Cleveland SMSA. Lorain is not classified as part of the Cleveland Urbanized Area. Lorain is the 12th largest city in Ohio. Absent a specific showing, the Board cannot assume that the programming needs and interests of Lorain are identical with those of Cleveland. Accordingly, a "Suburban" issue will be added. The basis of Ohio's further request for an issue inquiring into United Artists' reliability in carrying out its proposed program schedule "in light of the evidence adduced in connection with the Suburban issue" is not explained, and the request for Issue 2 will, therefore, be denied. Cumberland Publishing Company, FCC 64R–467, released October 1, 1964.

6. *Requested Issues 3 and 4.* Ohio asserts that an issue to determine whether United Artists' proposal complies with § 73.613 of the Commission's rules [2] is necessary because the applicant has not indicated that its main studio will be located in the principal community to be served, nor has it requested waiver of the rule. To illustrate the need for the addition of Issue 3 Ohio cites the applicant's contradictory statements. In United Artists' application (Section V–C) Lorain is specified as the location of the main studios but in Exhibit I attached to the application the following statement is made: "* * * United Artists is unable to determine whether to locate its main studios at Lorain, or at Cleveland requesting a waiver of § 73.613 of the rules. A final determination will be made with respect thereto upon resolution of the proposal to transfer Channel 31 from Lorain to Cleveland." Ohio alleges that United Artists is attempting to subvert § 73.606 (Table of Assignments) and § 73.607 [3], inconsistent with the Commission's determination pursuant to section 307(b) of the Communications Act that Lorain should have its own local television service. The allegation made by Ohio is that United Artists, in reality, is applying for a Cleveland station.

7. The Broadcast Bureau agrees that United Artists' statements as to its main studio location are ambiguous; it therefore supports Ohio's request for Issue 3. However, the Bureau opposes the addition of Issue 4 on the theory that evidence adduced under the "Suburban" issue and a 73.613 issue (main studio location) will disclose any violation of § 73.606, 73.607 and/or section 307(b) of the Communications Act. In a responsive pleading United Artists states that it will locate its main studio in Lorain unless the assignment of Channel 31 is changed to Cleveland, in which case it will locate in Cleveland.

8. Ohio's request for an issue to determine United Artists' compliance with § 73.613 of the rules will be granted. The question to be determined is what location United Artists has indicated for its main studio. The statement made by United Artists in its responsive pleading does not obviate the need for inquiry, since the fact remains that the statements in its application are ambiguous and United Artists has not clarified them. United Artists relies upon the pending rule-making proceeding (Docket No. 14229) to explain all the uncertainties of its proposal. At the present time Channel 31 is assigned to Lorain, United Artists has applied for that channel, and therefore has applied for a Lorain facility; compliance with § 73.613 must, therefore, be determined in the light of such facts. For the aforementioned reasons we will enlarge the issues to determine whether United Artists proposes to locate its main studios in Lorain and, if it intends to locate outside of Lorain, whether circumstances exist which would warrant waiver of § 73.613(a).

9. Ohio's request for separate issues to determine whether United Artists is attempting to subvert §§ 73.606 and 73.607 of the Commission's rules and is acting inconsistently with the Commission's determination under section 307 (b) of the Communications Act will be denied. Ohio's request is based on the following circumstances: it is not discernible whether United Artists' program proposal reflects the needs and interests of Lorain; it is unclear whether United Artists proposes to locate its main studio in Cleveland or Lorain; United Artists will locate its transmitter in Cleveland; [4] and United Artists' proposal will cover the entire city of Cleveland, as well as Lorain, with a city grade (80 dbu) signal. Although the sum of these allegations may well raise a substantial question as to United Artists' intent to comply with the Commission's section 307(b) determination (that Lorain should have a local UHF facility), we do not think the addition of a specific issue is necessary. United Artists is already under a burden to come forward with evidence showing its proper intention on two of these matters (whether its program proposal reflects the needs and interests of Lorain and the location of its main studio) by the addition of a "Suburban" issue (Issue 1) and a § 73.613 issue (Issue 3). If United Artists were to fail to satisfy its burden under either of these issues it would be disqualified as an applicant in this proceeding, thereby obviating any need for a section 307(b) issue. If United Artists were to sustain its burden on each of these two issues the remaining circumstances cited would not warrant a section 307(b) determination under existing Commission rules and policies.

10. *Requested Issue 5.* The last issue that Ohio requests is a standard financial issue against United Artists. The allegations upon which Ohio bases its request are that United Artists' resources are "thin and non-liquid"; that their financial showing is out-of-date; that United Artists' parent company, United Artists Corporation (United Corp.), has not properly evidenced its ability to fulfill a commitment to lend $350,000 to United Artists; and that United Artists' proposal is dependent upon such commitment. To support the above allegations Ohio asserts that the balance sheet submitted by United Corp. lists $62,000,000 in current liabilities and only $9,000,000 in liquid assets. These figures, Ohio contends, leave United Corp. $53,000,000 below the Commission's normal financial standard of liquid assets sufficient in amount to meet current liabilities and in addition, proposed commitments. Further, Ohio finds additional support for its request in that

[2] 73.613(a) requires that the main studio of a television broadcast station must be located in the principal community to be served. Where the principal community is a city, such studio shall be located within the corporate boundaries of such city. Pursuant to subsection (b), subsection (a) may be waived by the Commission if such waiver is not inconsistent with the operation of the station in the public interest and upon a showing of good cause.

[3] Rule 73.607(a): "Subject to (b) applications may be filed to construct television broadcast stations only on the channels assigned in the Table of Assignments (73.606 (b)) and only in the communities listed therein." (b): "A channel assigned to a community listed in the Table of Assignments is available upon application in any unlisted community which is located within 15 miles of the listed community."

[4] There is no requirement, under our present Rules, that a television transmitter be located within the principal city. At present the only requirement is contained in Rule 73.685(a), which provides that, "[t]he transmitter location shall be so chosen so that, * * * the following minimum field intensity [specified for given channels] shall be provided over the entire principal community to be served."

United Corp. pays only stock dividends and has previously committed itself to lend its wholly-owned subsidiary (United Artists) $700,000 to finance proposals for UHF facilities in Houston and Boston.

11. The Broadcast Bureau and United Artists oppose the addition of a financial issue. Their oppositions are based on the following assertions: The $9,000,000 referred to by Ohio represents the "cash" listed, by United Corp., on its balance sheet; United Corp. lists other current assets totalling $120,000,000; the Commission has found United Corp. financially qualified four times within the last two years on the basis of the same balance sheet now in question; and Ohio presents no new facts to support its instant request.

12. Ohio's request for a financial qualifications issue will be denied. United Corp. has committed itself to lend United Artists $350,000 to finance the instant proposal. The latest balance sheet submitted by United Corp. shows $152,000,000 in total assets and total liabilities of $100,000,000. Where a small amount of money must be obtained from a large amount of non-liquid assets the Board will not add a financial qualifications issue. See Springfield Television Broadcasting Corporation, FCC 64R–234, 2 RR 2d 841; Garo W. Ray, FCC 63R–103, 25 RR 286; and Massillon Broadcasting Co., Inc., FCC 61–1164, 22 RR 218. In view of United Corp.'s substantial assets and net worth, we believe its ability to honor its $350,000 commitment to United Artists is sufficiently established so that there is no need for a financial qualifications issue. The fact that United Corp. pays only stock dividends is not relevant to the present question and we do not think that its commitment of an additional $700,000 to United Artists for two other UHF facilities materially changes United Corp.'s financial position.

Accordingly, it is ordered, This 7th day of December 1964, that the motion to enlarge issues, filed October 8, 1964, by Ohio Radio, Incorporated, is granted to the extent indicated herein, and is denied in all other respects; and the issues in this proceeding are enlarged by the addition of the following:

1. To determine the efforts made by United Artists Broadcasting, Inc. to ascertain the programming needs and interests of the area to be served, and the manner in which it proposes to meet such needs and interests.

2. To determine where United Artists Broadcasting, Inc. proposes to locate its main studio and if such location is outside the corporate city limits of the city of Lorain, whether circumstances exist which would warrant a waiver of § 73.613(a) of the Commission's Rules.

Released: December 8, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–12760; Filed, Dec. 10, 1964; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

INDEPENDENT OCEAN FREIGHT FORWARDER APPLICATIONS

Notice of Revision

Notice is hereby given of changes in the following applications for independent ocean freight forwarder licenses issued pursuant to section 44, Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

GRANDFATHER APPLICANTS

West Coast Freight Tariff Bureau, Inc., Post Office Box 824, Stockton, Calif., revoked Nov. 12, 1964.

Mr. Phillip A. Barrus, 25 Broadway, New York, N.Y., revoked Nov. 25, 1964.

Thibodeaux & Co., C. J., 421 Cotton Exchange Building, 1300 Prairie Avenue, Houston, Tex., withdrawn Nov. 13, 1964.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission, applications for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any applicant should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573. Protests received within 60 days from the date of publication of this notice in the FEDERAL REGISTER will be considered.

Mary B. Gehring and Leo M. Gehring d/b/a Davis Van & Storage (Non), 912 5th Street, Davis, Calif., Leo M. Gehring, Co-Owner, Mary B. Gehring, Co-Owner.

E. L. Mobley (Non), 5 Bull Street, Post Office Box 686, Savannah, Ga., E. L. Mobley, Owner/Manager.

Dated: December 7, 1964.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–12742; Filed, Dec. 10, 1964; 8:49 a.m.]

AMERICAN MAIL LINE, LTD., AND KAWASAKI KISEN KAISHA, LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street, NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

G. E. Sherwood,
Director of Market Research,
American Mail Line,
1010 Washington Building,
Seattle, Wash., 98101.

Agreement 9406, between American Mail Line Ltd. as the initial carrier and Kawasaki Kisen Kaisha, Ltd. as the delivering carrier, provides for the establishment of a through billing arrangement covering the transportation of general cargo from loading ports on the West Coast of the United States and Canada to Fremantle and/or other discharging ports in Western Australia with transhipment at the ports of Yokohama, Kobe or Nagoya, Japan, in accordance with terms and conditions set forth in the agreement.

Dated: December 8, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–12743; Filed, Dec. 10, 1964; 8:49 a.m.]

LYKES BROS. STEAMSHIP CO., INC., AND HOLLAND AFRIKA LIJN

Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Memorandum of oral agreement filed for approval by:

Mr. W. H. Hagan, Jr.,
Traffic Manager, African Line,
Lykes Bros. Steamship Co., Inc.,
1770 Tchoupitoulas Street,
Post Office Box 50998,
New Orleans, La., 70150.

Memorandum of Oral Agreement No. 9405 between Lykes Bros. Steamship

Company, Inc., and Holland Afrika Lijn refers to an arrangement between the parties, and outlines the related terms and conditions the parties agree to, for the movement of cargo on through bills of lading to United States Ports in the Gulf of Mexico, from Ports in Portuguese East Africa, with transhipment to Lykes vessels at a Port in Portuguese East Africa, Tanganyika, Kenya or South Africa.

Dated: December 8, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-12744; Filed, Dec. 10, 1964; 8:49 a.m.]

KLAVENESS LINE JOINT SERVICE AND KAWASAKI KISEN KAISHA, LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 5 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. H. A. Magnusen, Jr.,
Overseas Shipping Corp.,
310 Sansome Street,
San Francisco, Calif., 94104.

Agreement 9407, between Klaveness Line, a joint service operating under approved Agreement No. 7653 and Kawasaki Kisen Kaisha, Ltd., establishes a through billing arrangement for the movement of cargo from U.S. Pacific Coast ports and Vancouver, British Columbia, Canada to West Coast of Africa ports with transhipment at Singapore, Malaysia, in accordance with terms and conditions set forth therein.

Dated: December 8, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-12745; Filed, Dec. 10, 1964; 8:49 a.m.]

LYKES BROS. STEAMSHIP CO., INC., AND DAMPFSCHIFFFAHRTS-GESELLSCHAFT "NEPTUN"

Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. T. L. Gusman,
Asst. Vice President, Traffic,
Lykes Bros. Steamship Co., Inc.,
821 Gravier Street,
New Orleans, La., 70112.

Agreement 9402, between Lykes Bros. Steamship Co., Inc., and Dampfschiffahrts-Gesellschaft "Neptun", covers a through billing arrangement on cargo from North Spain and Portugal to U.S. Gulf ports, with transhipment at Rotterdam, the Netherlands, under terms and conditions set forth in the agreement.

Dated: December 8, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-12746; Filed, Dec. 10, 1964; 8:49 a.m.]

LYKES BROS. STEAMSHIP CO. AND SOUTH AFRICAN MARINE CORP., LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

W. J. Amoss, Jr., Vice President, Traffic,
Lykes Bros. Steamship Co.,
821 Gravier Street,
New Orleans, La., 70112.

Agreement No. 9404 between Lykes Bros. Steamship Company and South African Marine Corporation, Ltd., provides for the coverage of ports and the spacing of sailings in the trade between United States Gulf of Mexico ports and ports in Southwest Africa, the Republic of South Africa, and Mozambique. Decisions under the agreement will be reached by unanimous vote of the parties, and either party may withdraw upon giving thirty days written notice to the other.

Dated: December 8, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-12747; Filed, Dec. 10, 1964; 8:49 a.m.]

MITSUI O.S.K. LINES, LTD., AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. J. Scully,
Traffic Department,
Sea-Land Service, Inc.,
Puerto Rican Division,
Post Office Box 1050,
Elizabeth, N.J., 07207.

Agreement No. 8502–1 between the above-named carriers modifies the basic agreement, which covers a through billing arrangement on cargo from loading ports in Korea, Formosa, the Philippines and Japan, including Hong Kong to ports of call in Puerto Rico, with transhipment at New York Harbor, New York, by amending all reference to Osaka Shosen Kaisha, Ltd., the originating carrier, to read "Mitsui O.S.K. Lines, Ltd.", and amending all reference to Sea-Land of Puerto Rico, Division of Sea-Land Service, Inc., the delivering carrier, to read "Sea-Land Service, Inc."

Also, provision is made that the through rate under the agreement will be named by Mitsui, who shall also file the rates on traffic not within the scope of any approved conference agreement. All reference to the Federal Maritime Board is removed from the agreement, and provision is made that this agreement and/or any modification thereof shall not be effective or implemented prior to approval by the Commission.

Dated: December 8, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–12748; Filed, Dec. 10, 1964; 8:49 a.m.]

TRANS-ATLANTIC PASSENGER STEAMSHIP CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

D. I. Knowles, Chairman and Secretary,
Trans-Atlantic Passenger Steamship Conference,
17 Battery Place,
New York, N.Y., 10004.

Agreement 7840–58 between the member lines of the Trans-Atlantic Passenger Steamship Conference modifies the basic agreement by adding the following to Article 9(j) as the final paragraph of that article:

Wherever in this agreement reference is made to approval by or advice to the Federal Maritime Commission or to the Governmental Agency charged with the administration of the U.S. Shipping Act, 1916, as amended, such approval or advice shall be limited to matters affecting the foreign commerce of the United States of America.

Dated: December 8, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–12749; Filed, Dec. 10, 1964; 8:49 a.m.]

WILH. WILHELMSEN LINE JOINT SERVICE AND SWEDISH AMERICAN LINE

Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreements filed for approval by:

Mr. W. C. Menge,
Strachan Shipping Co.,
American Bank Building,
New Orleans, La., 70130.

Agreement 8320–1 between the member lines of the Scandinavian and Baltic/USA South Atlantic and Gulf Westbound Rate Agreement; and,

Agreement 8920–1 between the member lines of the Continental European Ports/USA South Atlantic Westbound Rate Agreement, have been filed with the Commission for approval to establish self-policing systems, pursuant to General Order 7 (46 CFR Part 528).

Dated: December 8, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–12750; Filed, Dec. 10, 1964; 8:49 a.m.]

SKIBSAKTIESELSKAPET NORDHEIM ET AL.

Notice of Proposed Cancellation of Agreements

Notice is hereby given that a request for cancellation of the following Agreement(s), pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814) has been filed with the Commission.

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of request for cancellation of agreement filed by:

F. Conger Fawcett, Esq.,
Graham, James & Rolph,
310 Sansome Street,
San Francisco, Calif., 94104.

Agreement 8141, between Skibsaktieselskapet Nordheim, Skibsaktieselskapet Vito, Skibsaktieselskapet Kirkoy, and Skibsaktieselskapet Skagerak, four (4) Norwegian carriers under the operation and control of Ditlev-Simonsen Lines, covered the establishment and maintenance of a joint cargo service (with limited passenger accommodations), to operate as the "Pacific Orient Express Line", in the trade between U.S. Pacific Coast ports and ports of Japan, Korea, Formosa, Okinawa, China, and the Philippine Islands.

Dated: December 8, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–12751; Filed, Dec. 10, 1964; 8:50 a.m.]

CENTRAL GULF STEAMSHIP CORP. ET AL.

Notice of Proposed Cancellation of Agreements

Notice is hereby given that a request for cancellation of the following agreement(s), pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814) has been filed with the Commission.

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at

the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of request for cancellation of agreement filed by:

George Denegre, Esq.,
Attorney at Law,
Twenty-Eighth Floor,
225 Baronne Street,
New Orleans, La., 70112.

Agreement 8342, as amended, between Central Gulf Steamship Corporation, General Shipping & Trading Corporation and Compania Maritima Unidas, S.A., provided for the establishment and maintenance of a joint cargo and passenger service, under the trade name "Central Gulf Lines", in the trades between U.S. Gulf and Atlantic Coast ports and Mediterranean, Red Sea, Gulf of Aden, Persian Gulf, Pakistan, Ceylon, India and Burmese ports.

Dated: December 8, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-12752; Filed, Dec. 10, 1964; 8:50 a.m.]

QUAKER LINE AND PACIFIC STEAM NAVIGATION CO.

Notice of Proposed Cancellation of Agreements

Notice is hereby given that a request for cancellation of the following Agreement(s), pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814) has been filed with the Commission.

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of request for cancellation of agreement filed by:

Mr. E. N. Bowen,
States Steamship Co.,
320 California Street,
San Francisco, Calif., 94104.

Agreement 1625, between Quaker Line (a former subsidiary of States Steamship Company) and Pacific Steam Navigation Company, covers a through billing arrangement on cargo from Pacific Coast ports to ports in Central America and on the West Coast of South America, with transhipment at Cristobal, C.Z., under terms and conditions set forth in the agreement.

Dated: December 8, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-12753; Filed, Dec. 10, 1964; 8:50 a.m.]

UNITED KINGDOM UNITED STATES PACIFIC FREIGHT ASSOCIATION AND A/S DET OSTASIATISKE KOMPAGNI

Notice of Proposed Cancellation of Agreements

Notice is hereby given that a request for cancellation of the following Agreements(s), pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814) has been filed with the Commission.

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of request for cancellation of agreement filed by:

S. Collins, Secretary,
United Kingdom United States
Pacific Freight Association,
14 Leadenhall Street,
London, E.C. 3, England.

Agreement 1992, between the member lines of the United Kingdom United States Pacific Freight Association (Agreement 3357) and A/S Det Østasiatiske Kompagni (The East Asiatic Company, Ltd.) covers an arrangement for the participation of the latter company as an associate conference member by agreement to protect the rates of the conference on cargo moving from United Kingdom ports to U.S. Pacific Coast ports.

Dated: December 8, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-12754; Filed, Dec. 10, 1964; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP65-156]

CITY OF BAINBRIDGE, GEORGIA

Notice of Application

DECEMBER 3, 1964.

Take notice that on November 25, 1964, the City of Bainbridge, Georgia (Applicant), filed in Docket No. CP65-156 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing South Georgia Natural Gas Company (South Georgia) to establish a second physical connection of its natural gas transportation facilities with the existing facilities of Applicant's natural gas distribution system, and to sell and deliver natural gas to Applicant, for resale to Southern Nitrogen Company (Southern), all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant requests an order directing South Georgia to extend a 6⅝-inch O.D. high pressure pipeline from a point near the present delivery point for a distance of 4 miles to a point at or near the City limits in West Bainbridge, Georgia, and there build the necessary facilities to make deliveries of natural gas to the City of Bainbridge.

Applicant proposes to make interconnection with the facilities of South Georgia at the proposed delivery point and by means of 1.4 miles of 4½-inch O.D. line to connect both delivery points together.

The application states that the proposed facilities are sought for the purpose of making natural gas available to a new customer of the City, Southern Nitrogen Company, as well as for providing adequate service to Applicant's existing customers in West Bainbridge.

The estimated annual requirements of Southern are stated to be 240,000 annually on an interruptible basis.

The estimated cost of Applicant's proposed facilities is $32,820, and will be financed with current funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 28, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that an order is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-12696; Filed, Dec. 10, 1964; 8:46 a.m.]

[Docket No. G-6887 etc.]

WILLIAM G. WEBB

Order Consolidating Applications for Permission and Approval To Abandon Sales and Service, Adding Respondent, Prescribing Procedure and Setting Date of Hearing

DECEMBER 1, 1964.

William G. Webb, Docket No. G-6887; J. Glenn Turner, Docket No. G-6907; Frank A. Schultz, Docket No. G-10037; William G. Webb, Docket No. G-15692; J. Glenn Turner, Docket No. G-15693; William G. Webb, Docket No. G-19109; Benson-Montin-Greer Drilling Corporation, Docket No. G-19110; J. Glenn Turner, Docket No. G-19145; Frank A. Schultz, et al., Docket No. G-20018; Benson-Montin-Greer Drilling Corporation, Docket No. CI61-156; La Plata Gathering System, Inc., Docket No. CI61-812; Frank A. Schultz, Docket No. CI61-817; Jack London, Jr., Docket No. CI62-1147; Ralph E. Davis, Docket No. CI62-1175; J. Glenn Turner and William G. Webb, Docket No. CI62-1177; J. Glenn Turner and William G. Webb, Docket No. CI62-1211; C. W. Murchison, Docket No. CI63-65; Frank A. Schultz, et al., Docket No. CI63-318.

On the various dates set forth in Appendix A below, the above-named applicants filed, in the respective dockets, applications seeking permission and approval to abandon in whole or in part natural gas sales for resale in interstate commerce.[1] All of the acreage from which the sales have been made is located in San Juan or Rio Arriba Counties, New Mexico, or La Plata County, Colorado, all of which is in the San Juan Basin.

By various agreements, the applicants have assigned all or parts of their interests in the acreage, wells and related property to El Paso Natural Gas Company (El Paso). These agreements were executed pursuant to options previously granted to the applicants by El Paso. Prior to the assignments, all of the gas produced from this acreage was dedicated to El Paso under gas purchase agreements.[2] The options had been granted by El Paso at approximately the same times that the gas purchase agreements were entered into between the producers and El Paso. Although the gas purchase contracts were filed with the Commission as producer rate schedules, the Commission was unaware of these collateral options until the producers filed their abandonment applications. It further appears that some of the acreage concerned herein was formerly held by El Paso under oil and gas leases, which were subsequently assigned to the applicants. All of the gas involved will continue to be transported in interstate commerce and sold in interstate commerce from El Paso's pipeline system.

The prices under the applicants' currently effective rate schedules range from 10 cents per Mcf to 14 cents per Mcf.

Pursuant to an inquiry by the Commission staff, El Paso has submitted certain cost and reserve data with regard to some of the above-mentioned assignments.[3]

El Paso states, in its submittal in response to the staff inquiry, filed with the Secretary on March 23, 1964, that the total remaining recoverable reserves, as of December 31, 1962, applicable to the Appendix C leases were 230,000,000 Mcf. For these reserves, El Paso would pay approximately $16,000,000 of which approximately $5,000,000 represents production payments and approximately $11,000,000 represents cash payment at time of assignments. This represents approximately 6.9 cents per Mcf of recoverable reserves. A preliminary cost-of-service summary related to the Appendix C filings, submitted by El Paso for the year 1962, reflects a unit cost of service of 26.74 cents per Mcf, some 12 cents to 16 cents per Mcf more than the currently effective producer prices. Although El Paso claims that this figure is not representative due to unusually low production during the year 1962, we are concerned lest the proposed abandonments result in an unwarranted increase in El Paso's jurisdictional unit cost of service to the detriment of El Paso's jurisdictional customers.

The producer applications are similar in nature, involve common issues and accordingly should be heard on a consolidated record. Since El Paso is directly concerned in these transactions, it will be made a respondent in this consolidated proceeding.

This order shall constitute notice of the filing of the applications and amendments which are open to public inspection in the Commission's offices.

The Commission finds:

(1) These related matters should be heard on a consolidated record and disposed of under the applicable rules and regulations.

(2) It is appropriate and in the public interest that El Paso Natural Gas Company be made respondent in these proceedings.

The Commission orders:

(A) El Paso Natural Gas Company is hereby made a respondent in these proceedings.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7, 15, and 16 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on February 2, 1965, at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by these consolidated proceedings.

(C) Direct testimony and exhibits of all applicants and all parties supporting applicants shall be served in accordance with the Commission's rules of practice and procedure on or before the 18th day of January, 1965, upon the Commission staff, interveners and all petitioners to intervene who have filed petitions to intervene on or before December 28, 1964, unless the Commission has denied intervention to any of the petitioners prior to the date set for filing such testimony and exhibits.

(D) Following all preliminary matters to come before the presiding examiner on the above-designated hearing date witnesses will be presented to adopt their respective testimony, previously served, whereupon cross-examination will commence immediately. In all other matters the presiding examiner's right to prescribe the manner in which the proceeding is to be conducted is preserved.

(E) Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 28th day of December 1964.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

APPENDIX A

DESCRIPTION OF APPLICATIONS

(See Appendix B for Related Rate Filings)

Docket No.	Applicant	Date filed
G-6887	William G. Webb	Jan. 23, 1959
G-6907	J. Glenn Turner	Jan. 19, 1959
G-10037	Frank A. Schultz	June 9, 1958
		Jan. 12, 1959
G-15692	William G. Webb	July 16, 1959
		Mar. 2, 1960
G-15693	J. Glenn Turner	Jan. 22, 1959
		July 21, 1959
		Feb. 29, 1960
G-19109	William G. Webb	Apr. 2, 1962
		Aug. 9, 1962
		Apr. 22, 1964
G-19110	Benson-Montin-Greer Drilling Corp.	Apr. 11, 1962
		Aug. 9, 1962
G-19145	J. Glenn Turner	Mar. 29, 1962
		Aug. 9, 1962
		Apr. 23, 1964
G-20018	Frank A. Schultz, et al.	Mar. 10, 1960
		Aug. 5, 1960
		Apr. 2, 1962
		Aug. 8, 1962
		Apr. 23, 1964
CI61-156	Benson-Montin-Greer Drilling Corp.	Mar. 30, 1962
		Aug. 8, 1962
		Do.
CI61-812	LaPlata Gathering System, Inc.	Apr. 23, 1964
CI61-817	Frank A. Schultz	Apr. 2, 1962
		Aug. 8, 1962
		Apr. 22, 1964
CI62-1147	Jack London, Jr.	Mar. 30, 1962
CI62-1175	Ralph E. Davis	Apr. 2, 1962
CI62-1177	J. Glenn Turner and William G. Webb.	Do.
CI62-1211	do	Apr. 23, 1964
CI63-65	C. W. Murchison	Apr. 22, 1964
CI63-318	Frank A. Schultz, et al.	Apr. 24, 1964

[1] The pleadings carry various titles but each seeks permission to delete all or part of acreage previously dedicated to the interstate market, viz., El Paso Natural Gas Company. They are all therefore treated as applications for permission to abandon sales and service under section 7(b) of the Natural Gas Act.

[2] See Appendix B for details as to related rate filings.

[3] This applies only to the assignments related to the filings designated in Appendix C below. Similar information relating to the remaining assignments listed in Appendix B is not available since the staff request for information was made prior to these filings.

APPENDIX B

RATE FILINGS RELATING TO APPLICATIONS

Docket No.	Filing date	Applicant	Rate schedule No.	Supplement No.	Description and date of instrument	Buyer and producing area	Original service authorized in docket No.	Price (cents per Mcf)
					Notice of cancellation			
G-6887	6-11-58	William G. Webb	1	11	6-10-58	El Paso Natural Gas Co. (Blanco Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin).	G-6887	10.0
G-6887	1-23-59	do	1	13	1-19-59		G-6887	10.0
G-15692	1-23-59	do	1	14	1-21-59		G-6887	10.0
G-15692	3- 2-60	do	2	2	2-25-60	do	G-15692	11.0
G-6907	6-11-58	J. Glenn Turner	3	11	6-11-58	do	G-6907	10.0
G-6907	1-19-59	do	3	13	1-15-59	do	G-6907	10.0
G-15693	1-22-59	do	3	14	1-16-59	do	E-15693	10.0
G-15693	2-29-60	do	5	2	2-23-60	do	G-15693	11.0
G-19109	3-29-63	William G. Webb	3	12	2-22-62	El Paso Natural Gas Co. (Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin).	G-19109	14.0
G-19109	8- 9-62	do	3	19	7-19-62		G-19109	14.0
G-19110	4-11-62	Benson-Montin-Greer Drilling Corp.	4	7	2-22-62	El Paso Natural Gas Co. (Basin Dakota Field, Rio Arriba County, N. Mex.) (San Juan Basin).	G-19110	14.0
G-19110	8- 8-62	do	4	9	7-19-62		G-19110	14.0
G-19145	3-29-62	J. Glenn Turner	7	9	2-22-62	El Paso Natural Gas Co. (Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin).	G-19145	14.0
G-19145	8- 9-62	do	7	19	7-20-62		G-19145	14.0
G-20018	4 -2-62	Frank A. Schultz, et al	5	8	3- 5-62	do	G-20018	14.0
G-20018	8 -8-62	do	5	13	7-20-62		G-20018	14.0
CI61-156	3-30-62	Benson-Montin-Greer Drilling Corp.	7	4	3- 5-62	El Paso Natural Gas Co. (Blanco Mesaverde Field, Rio Arriba County, N. Mex.) (San Juan Basin).	CI61-156	13.0
CI61-156	8- 8-62	do	7	5	7-19-62		CI61-156	13.0
G-19109	4-22-64	William G. Webb	3	20	4-10-64	El Paso Natural Gas Co. (Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin).	G-19109	13.0
G-19145	4-23-64	J. Glenn Turner	7	20	4-10-64	do	G-19145	13.0
G-20018	4-23-64	Frank A. Schultz, et al	5	14	4-10-64	El Paso Natural Gas Co. (Blanco Mesaverde Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin).	G-20018	13.0
CI61-812	4-23-64	La Plata Gathering System, Inc.	3	4	4-10-64	El Paso Natural Gas Co. (Blanco Mesaverde and Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin).	CI61-812	13.0
CI61-817	4-22-64	Frank A. Schultz	7	14	4-10-64	El Paso Natural Gas Co. (Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin).	CI61-817	14.0
CI61-817	4- 2-62	Frank A. Schultz	7	6	2-22-62	do	CI61-817	14.0
CI61-817	8- 8-62 8- 9-62	do	7	13	7-20-62		CI61-817	14.0
CI62-1147	3-30-62	Jack London, Jr.	1	1	3- 5-62	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin).	CI61-1718	13.0
CI62-1175	4- 2-62	Ralph E. Davis	1	1	3- 8-62	El Paso Natural Gas Co. (South Blanco Pictured Cliffs Field, San Juan County, N. Mex.) (San Juan Basin).	G-4876	10.0
CI62-1177	4- 2-62	J. Glenn Turner and William G. Webb.	1	3	3- 8-62	El Paso Natural Gas Co. (Kutz Canyon Pictured Cliffs and Blanco Mesaverde Fields, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin).	G-9999	12.0
CI62-1177	4- 2-62	do	2	3	3- 8-62			10.0
CI62-1211	4-23-64	do	3	2	4-10-64	El Paso Natural Gas Co. (South Blanco Field, Rio Arriba County, N. Mex.) (San Juan Basin).	CI62-1211	12.0
CI63-318	4-24-64 4-27-64	Frank A. Schultz, et al	8	10	4-10-64	El Paso Natural Gas Co. (Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin).	CI63-318	14.0
G-10037	6-28-56	Frank A. Schultz	1	3	6-26-56	El Paso Natural Gas Co. (Blanco Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin).	G-10037	10.0
G-10037	6- 9-58	do	1	7	6- 2-58		G-10037	10.0
G-10037	1-12-59	do	1	9	1- 8-59		G-10037	10.0
CI63-65	4-22-64	C. W. Murchison	1	6	4-10-64	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin).	CI63-65	14.0

APPENDIX C

FILINGS REGARDING LEASES UPON WHICH EL PASO'S COST OF SERVICE DATA IS BASED

Applicant	Docket No.	Filing date
William G. Webb	G-6887	6-13-58
Do	G-6887	1-23-59
Do	G-15692	1-23-59
Do	G-15692	3- 2-60
J. Glenn Turner	G-6907	6-11-58
Do	G-6907	1-19-59
Do	G-15693	1-22-59
Do	G-15693	2-29-60
William G. Webb	G-19109	3-29-62
Do	G-19109	8- 9-62
Benson-Montin-Greer Drilling Corp.	G-19110	4-11-62
Do	G-19110	8- 8-62
J. Glenn Turner	G-19145	3-29-62
Do	G-19145	8- 9-62
Frank A. Schultz, et al	G-20018	4- 2-62
Do	G-20018	8- 8-62
Benson-Montin-Greer Drilling Corp.	CI61-156	3-30-62
Do	CI61-156	8- 8-62
Frank A. Schultz	CI61-817	4- 2-62
Do	CI61-817	8- 8-62
		8- 9-62
Jack London, Jr.	CI62-1147	3-30-62
Ralph E. Davis	CI62-1175	4- 2-62
J. Glenn Turner and William G. Webb.	CI62-1177	4- 2-62

[F.R. Doc. 64-12587; Filed, Dec. 10, 1964; 8:45 a.m.]

[Docket No. CP65-154]

CITY OF BURLINGAME, KANSAS

Notice of Application

DECEMBER 3, 1964.

Take notice that on November 25, 1964, the City of Burlingame, Kansas (Applicant), filed in Docket No. CP65-154 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Company (Cities Service) to sell and deliver natural gas to Applicant for resale in the community of Scranton, Kansas (Scranton), all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to purchase from Cities Service the gas required for Scranton, to take delivery of such gas, in addition to the gas purchased for distribution in Burlingame, at the existing interconnection of Applicant's lateral line with the main transmission line facilities of Cities Service, to transport the Scranton gas along with the Burlingame gas to a point at or near the Burlingame town border, and at that point to sell and deliver to Scranton the volumes intended for Scranton.

The estimated initial three year period of annual and peak day requirements of Scranton are stated to be:

	First year	Second year	Third year
Annual (Mcf)	25,300	31,600	38,000
Peak day (Mcf)	328	407	490

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 28, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time re-

quired herein, if the Commission on its own review of the matter believes that an order is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-12697; Filed, Dec. 10, 1964; 8:46 a.m.]

[Docket No. RI65-348]

MILLER AND FOX MINERALS CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

DECEMBER 3, 1964.

On November 5, 1964, Miller and Fox Minerals Corporation (Operator), et al. (Miller and Fox),[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated November 2, 1964.

Purchaser and producing area: Texas San Juan Oil Corporation[2] (Miller and Fox Field, Jim Wells County, Texas) (R.R. District No. 4).

Rate schedule designation: Supplement No. 1 to Miller and Fox's FPC Gas Rate Schedule No. 2.

Effective date: December 6, 1964.[3]
Amount of Annual Increase: $864.
Effective rate: 11.0 cents per Mcf.[4 5]
Proposed rate: 12.0 cents per Mcf.[5]
Pressure base: 14.65 p.s.i.a.

Miller and Fox request that their proposed rate increase be permitted to become effective as of November 1, 1964. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Miller and Fox's rate filing and such request is denied.

The producers' proposed periodic rate increase is geared to the buyer's, Texas San Juan Oil Corporation (San Juan), contract in that they both provide for a 1.0 cent per Mcf periodic increase on November 1, 1964, and every five years thereafter, thus maintaining a 3.0 cents per Mcf differential between the two rates. On September 24, 1964, San Juan filed for a periodic increase from 14.0 cents to 15.0 cents per Mcf which was suspended for five months until April 1, 1965, by the Commission's order issued October 19, 1964, in Docket No. RI65-268, since it exceeded the 14.0 cents per Mcf area ceiling for increased rates. Miller and Fox's proposed rate is below the area increased ceiling of 14.0 cents per Mcf, but since it is related to San Juan's rate increase, it is suspended until April 1, 1965, the end of the suspension period for San Juan's related rate increase.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 1 to Miller and Fox's FPC Gate Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Miller and Fox's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, Supplement No. 1 to Miller and Fox's FPC Gas Rate Schedule No. 2 is hereby suspended and the use thereof deferred until April 1, 1965, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 20, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-12698; Filed, Dec. 10, 1964; 8:46 a.m.]

[1] Address is: 900 Vaughn Plaza, Corpus Christi, Tex., 78401.

[2] Buyer resells the subject gas to Tennessee Gas Transmission Company under its FPC Gas Rate Schedule No. 2. Buyer filed for a rate of 15.0 cents per Mcf which was suspended until April 1, 1965, by Commission order issued October 19, 1964, in Docket No. RI65-268.

[3] The stated effective date is the first day after expiration of the required statutory notice.

[4] Initial rate.

[5] Rate subject to a downward Btu adjustment.

[Docket No. CP65-151]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

DECEMBER 3, 1964.

Take notice that on November 23, 1964, Montana-Dakota Utilities Co. (Applicant), 831 Second Avenue South, Minneapolis, Minnesota, filed in Docket No. CP65-151 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to sell natural gas to the Wyoming Gas Company and to E. R. Jensen, d.b.a. Byron Gas Service, in accordance with Applicant's FPC Gas Tariff, Original Volume No. 3.

The application states that Applicant has been selling natural gas to the Wyoming Gas Company and to Byron Gas Service since June 1, 1951, on the assumption that they are intrastate sales not subject to the jurisdiction of the Federal Power Commission.

The estimated 1965, 1966 and 1967, annual and peak day sales to Wyoming Gas Company are stated to be:

	First year	Second year	Third year
Annual (Mcf)	1,067,900	1,070,000	1,072,100
Peak day (Mcf)	8,350	8,360	8,380

The estimated 1965, 1966, and 1967, annual and peak day sales to Byron Gas Service are stated to be:

	First year	Second year	Third year
Annual (Mcf)	44,000	44,000	44,000
Peak day (Mcf)	380	380	380

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 23, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-12699; Filed, Dec. 10, 1964; 8:46 a.m.]

[Docket No. CP65-116]

NORTHERN NATURAL GAS CO.

Notice of Application

DECEMBER 3, 1964.

Take notice that on October 28, 1964, Northern Natural Gas Company, 2223 Dodge Street, Omaha, Nebr., filed in Docket No. CP65-116 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain facilities and for a certificate of public convenience and necessity authorizing reinstallation of such facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant requests permission and approval to abandon two 1,800 horsepower compressor units at its Andrews Compressor Station and authorization to reinstall such units at its Florey Field Compressor Station, both located in Andrews County, Tex.

The application states that the two 1,800 horsepower units are no longer required at the Andrews station because of declining volumes of raw gas, and states further that such units are presently required at Flory Field.

The estimated cost of the proposed facilities is $685,200, which includes $314,300 for material and equipment transferred from Andrews. Applicant proposes to finance construction with cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 23, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-12700; Filed, Dec. 10, 1964; 8:46 a.m.]

[Docket No. G-16611 etc.]

PHILLIPS PETROLEUM CO. ET AL.

Notice Fixing Oral Argument

DECEMBER 3, 1964.

Phillips Petroleum Company, Docket No. G-16611, G-16612; Kerr-McGee Oil Industries, Inc., Docket No. G-16718, G-16719; The Jupiter Corporation, Docket No. G-16679.

Upon consideration of the motion filed on October 20, 1964, by the counsel for Phillips Petroleum Company and Kerr-McGee Oil Industries, Inc., for oral argument;

Take notice that an oral argument is hereby scheduled to be heard at 10:00 a.m. on February 26, 1965 in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. The oral argument shall be confined to those matters consideration of which was deferred by Paragraph (F) of the order accompanying the Commission's Opinion No. 436 issued July 23, 1964.

Parties desiring to participate in the oral argument shall notify the Secretary in writing on or before February 1, 1965 and state the time desired for the presentation of their argument.

By direction of the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-12701; Filed, Dec. 10, 1964; 8:46 a.m.]

[Docket No. R-250; Order 288]

ALABAMA POWER CO.

Order Denying Application for Rehearing

DECEMBER 4, 1964.

On November 4, 1964, Alabama Power Company filed an application for rehearing of the Commission's Order No. 288, issued on October 6, 1964, concerning procedures for the recapture or relicensing of hydroelectric projects upon the expiration of their licenses. The Company urges substantially the same arguments contained in its response to the Commission's notice of proposed rulemaking in this proceeding which were considered fully by the Commission before it issued Order No. 288 in Docket No. R-250.

The Commission further finds. The application for rehearing, filed by the Alabama Power Company on November 4, 1964, of the Commission's Order No. 288, issued on October 6, 1964, presents no facts or principles of law which were not considered by the Commission when it issued its aforesaid order or which, having now been considered, warrant any modification of the order.

The Commission orders. The Alabama Power Company's application for rehearing filed on November 4, 1964, of the Commission's Order No. 288 issued on October 6, 1964 is denied.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-12707; Filed, Dec. 10, 1964; 8:47 a.m.]

[Project 2062]

PUBLIC UTILITY DISTRICT 1; OKANOGAN COUNTY, WASHINGTON

Notice Fixing Place of Hearing

DECEMBER 4, 1964.

Notice is hereby given that the hearing in the above-designated matter fixed for December 16, 1964 by order issued November 25, 1964 shall be held at the Auditorium Room, PUD Building, 327 North Wenatchee Avenue, Wenatchee, Wash., at 10:00 a.m., local time, on December 16, 1964.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-12708; Filed, Dec. 10, 1964; 8:47 a.m.]

[Docket No. RI65-349]

SKELLY OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

DECEMBER 4, 1964.

On November 11, 1964, Skelly Oil Company (Skelly)[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated November 2, 1964.
Purchaser and producing area: Tennessee Gas Transmission Company (Logansport Field, DeSoto Parish, Louisiana) (North Louisiana).
Rate schedule designation: Supplement No. 11 to Skelly's FPC Gas Rate Schedule No. 5.
Effective date: December 5, 1964.[2]
Amount of annual increase: $18,526.
Effective rate: 14.79407 cents per Mcf.[3,4]
Proposed rate: 15.79407 cents per Mcf.[3,4]
Pressure base: 14.65 p.s.i.a.

Skelly's proposed increased rate is based on a contract from which the indefinite pricing provisions were deleted prior to the issuance of the Seventh Amendment to the Commission's General Policy Statement No. 61-1, as amended. The increased rate exceeds the regular area ceiling rate of 15.75 cents per Mcf, including tax reimbursement, by 0.04407 cent per Mcf, but is under the Seventh Amendment ceiling of 16.2654 cents per Mcf, including tax reimbursement. Skelly claims that since the proposed increase is within the Seventh Amendment ceiling rate and the contract now complies with the Seventh Amendment that the proposed increase should be accepted without sus-

[1] Address is: Post Office Box 1650, Tulsa Okla.

[2] The stated effective date is the effective date requested by Respondent.

[3] Subject to a downward Btu adjustment.

[4] Includes tax reimbursement. The amount of tax reimbursement is not specifically stated in the renegotiated agreement dated March 8, 1963 (Supplement No. 9), which provides for the instant rate increase. Prior to such agreement tax reimbursement was 1.75 cents per Mcf.

pension. Under the circumstances, we do not consider the Seventh Amendment ceiling applicable to Skelly's increased rate for the reason that Skelly deleted the indefinite pricing provisions before the Seventh Amendment was issued. To accept the instant increased rate would establish a precedent of accepting increases in rate up to the Seventh Amendment ceiling under contracts which either never contained indefinite pricing provisions or from which such provisions had been eliminated prior to the issuance of the Seventh Amendment. Accordingly, Skelly's proposed increased rate is suspended as hereinafter ordered.

The proposed periodic rate increase filed by Skelly exceeds the applicable area price level for increased rates in North Louisiana as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 11 to Skelly's FPC Gas Rate Schedule No. 5 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 11 to Skelly's FPC Gas Rate Schedule No. 5.

(B) Pending such hearing and decision thereon, Supplement No. 11 to Skelly's FPC Gas Rate Schedule No. 5 is hereby suspended and the use thereof deferred until May 5, 1965, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 20, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc 64–12709; Filed, Dec. 10, 1964; 8:47 a.m.]

[Docket No. RI 65–350]

CLORIS DALE ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates

DECEMBER 4, 1964

On November 6, 1964, Cloris Dale (Operator), et al. (Cloris Dale), tendered for filing proposed changes in their presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are set forth in Appendix "A" hereof.

Cloris Dale submits three superseding contracts dated September 28, 1954, and three related notices of change in rate dated September 28, 1964, for non-pipeline quality gas. The present contractual rate under the superseding contract is 11.0 cents per Mcf subject to a full proportionate downward Btu adjustment for gas containing less than 925 Btu's. The related notices of change in rate include agreements dated September 4, 1963, which amend the contracts so as to eliminate any reduction in price for gas containing less than 925 Btu's. No change is proposed in the 11.0 cents per Mcf base prices. Each of the units involved is producing gas at less than 925 Btu's. The 11.0 cents per Mcf minimum price for the subject gas would be equivalent to rates in excess of 11.0 cents per Mcf for 925 Btu gas. Under the circumstances, we believe that the proposed 11.0 cents per Mcf rate for the instant gas should be suspended because it exceeds the area ceiling for gas of pipeline quality as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed changes, and that the proposed superseding rate schedules and supplements thereto be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed changes.

(B) Pending a hearing and decision thereon, the superseding rate schedules and supplements thereto are suspended and their use deferred until May 7, 1965, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)), on or before January 20, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI65-350	Cloris Dale (Operator), et al., 1509 North Main St., Garden City, Kans.	[1] [2] 2	1	Northern Natural Gas Co. (Hugoton Field, Kearney County, Kans.).	35	11-6-64 11-6-64	[3] 12-7-64 [3] 12-7-64	5-7-65 5-7-65	[7] 10.774	[4] [5] 11.0	
	Cloris Dale (Operator), et al.	[8] 3		do	111	11-6-64 11-6-64	[3] 12-7-64 [3] 12-7-64	5-7-65 5-7-65	[7] 10.596	[4] [5] 11.0	
	do	[10] [11] 4	1	do	24	11-6-64 11-6-64	[3] 12-7-64 [3] 12-7-64	5-7-65 5-7-65	[7] 10.370	[4] [5] 11.0	

[1] Pinegar No. 2 Unit.
[2] Supersedes Cloris Dale (Operator), et al.'s FPC Gas Rate Schedule No. 1, insofar as it pertains to the Pinegar No. 2 Unit.
[3] The stated effective date is the effective date requested by Respondent.
[4] Renegotiated rate increase, based on elimination of downward B.t.u. adjustment.
[5] Pressure base is 14.65 p.s.i.a.
[6] Rate not to be less than 11.0 cents per Mcf regardless of B.t.u. content.
[7] Includes base rate of 11.0 cents per Mcf less downward B.t.u. adjustment from 925 B.t.u.s.
[8] Porter No. 1 Unit.
[9] Supersedes Cloris Dale (Operator), et al.'s FPC Gas Rate Schedule No. 1, insofar as it pertains to the Porter No. 1 Unit.
[10] Williamson No. 1 Unit.
[11] Supersedes Cloris Dale (Operator), et al.'s FPC Gas Rate Schedule No. 1, insofar as it pertains to the Williamson No. 1 Unit.

[F.R. Doc. 64–12710; Filed, Dec. 10, 1964; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

DECEMBER 7, 1964.

The common stock, 10 cent par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976, being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 8, 1964, through December 17, 1964, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 64-12692; Filed, Dec. 10, 1964; 8:46 a.m.]

[File No. 24A-1680]

FERGUSON & ASSOCIATES, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

DECEMBER 7, 1964.

I. Ferguson & Associates, Inc. (issuer), 4470 Westfield Drive NE., Atlanta, Georgia, 30305, a Georgia corporation, filed with the Commission on July 22, 1963, a notification, offering circular and other exhibits relating to a proposed offering of 180 units consisting of $180,000 principal amount of 7 percent subordinated debentures and 18,000 shares of its $0.01 par value Class A common stock at $0.01 per share for an aggregate of $180,180, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder. The offering was commenced on November 19, 1963. A report on Form 2-A was filed June 18, 1964, and thereafter amended July 14 and 23, 1964. A revised offering circular was filed October 5, 1964, but has not been amended.

II. The Commission has reasonable cause to believe that:

A. The original and revised offering circulars contain untrue statements of material facts, omit to state material facts and contain a misleading presentation of facts in that:

1. The original and revised offering circulars used in offering the securities contain a materially false and misleading representation that "The only personal property intended to be owned would be necessary office equipment, fixtures and furnishings sufficient to carry on the operation of the business".

2. The original and revised offering circulars state that the issuer will concentrate on the sale of its securities to raise the prerequisite $100,000 capital to operate as a broker-dealer and to engage in such business in Georgia. In this connection the revised offering circulars omit adequate and accurate disclosure in the text of the revised offering circulars concerning:

a. The original amount of the debentures offered.

b. The period of time over which the offering under the notification has been made.

c. The amount of the debentures sold under the notification.

d. The expenses incurred in connection with the offering and the operation of the issuer.

e. The business in which the company is engaged which produced the commissions as shown in the financial statements for the fiscal period ended July 31, 1964.

f. The loss operations of the issuer which make it necessary for it to pay the interest due on outstanding debentures as of December 15, 1964, from the proceeds of the debentures sold or to be sold.

g. Issuer's apparent inability to sell securities at a rate sufficient to attain, after expenses, the $100,000 capital requirement for a broker-dealer's license under Georgia law.

3. The revised offering circulars contain false and misleading as well as conflicting statements concerning the use of the proceeds of the offering and the priority of such use.

4. The revised offering circular used in the sale of the securities does not disclose that a portion of the proceeds from the sale of the securities would be used to purchase a new automobile at a cost of $4,125.60 nor is any disclosure made concerning the business in which the company is engaged which would require the ownership and use of an automobile.

5. The revised offering circular fails to justify or explain the 114 percent increase in the estimated expenses of the offering over and above the amount shown in the original offering circular dated November 19, 1963.

6. The issuer has failed to use the proceeds of the offering for the purposes and in the order of priority shown in the original offering circular dated November 19, 1963.

7. The issuer improperly capitalized ordinary business expenses as organization expenses which resulted in a material understatement of the net loss and operating deficit in its financial statements in the revised offering circular.

8. The revised offering circular fails to include a profit and loss statement for the period of operations ended March 31, 1964, as required by paragraph 2 of Schedule 1.

9. The original and revised offering circulars state that the issuer would concentrate on the sale of its securities to raise the prerequisite capital to operate as a broker-dealer and to engage in such business, whereas it appears that the principal function of the company's operations and the sole purpose of the offering to date are to provide the issuer's principal officer with a means of livelihood.

B. The report on Form 2-A filed on July 23, 1964, contains false and misleading information with respect to the use of the proceeds of the offering.

C. It thus appears that the offering did, does and will operate as a fraud and deceit upon purchasers in violation of section 17(a) of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended;

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 64-12693; Filed, Dec. 10, 1964; 8:46 a.m.]

[File Nos. 24D-2600, 24D-2644]

SECURITY RESERVE LIFE INSURANCE CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

DECEMBER 7, 1964.

I. Security Reserve Life Insurance Company (issuer), Suite 1, 333 West Colfax Avenue, Denver, Colorado, a

Colorado corporation, filed with the Commission on October 5, 1962, a notification on Form 1–A and an offering circular relating to a proposed offering of 75,000 shares of common stock, $1.00 par value, at $4.00 per share, for an aggregate offering of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended (the Act), pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. This offering purportedly commenced on November 26, 1962, and was completed with all shares sold on December 20, 1963. The issuer, on November 29, 1963, filed a second notification with the Commission relating to another 75,000 shares of its common stock to be offered at $4.00 per share. This second offering commenced on December 30, 1963, and a report of sales on Form 2–A indicates that this offering was terminated as of July 30, 1964, with 25,000 shares sold.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. Issuer failed to file supplemental sales literature used in the offer and sale of its securities under its notification 24D–2600.

2. Issuer failed to name in its Form 1–A and offering circular two persons who acted as underwriters of its offering under 24D–2644.

3. The offering under each of the notifications, when computed in accordance with Rules 253 and 254, exceeded the $300,000 limitation of Rule 254(a).

B. The offering under 24D–2600 was made in violation of section 17 of the Securities Act of 1933, as amended, in that:

1. Underwriters of the offering made untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly in relation to:

a. The possibility of a future offering at an increased price;

b. The safety of an investment in the securities of the issuer;

c. The stability of the market price of the stock of the issuer;

d. The scope of the issuer's present or proposed insurance operations;

e. The persons to whom the issuer was offering stock;

f. The non-availability for investment of the stock of established life insurance companies;

g. The extent of government supervision of companies and persons engaged in selling insurance stocks;

h. The amount of stock of the issuer available for sale;

i. Investments held by the issuer.

2. The supplemental sales literature used in connection with the offering contained untrue statements of material facts or omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading concerning:

a. The growth of other life insurance companies and the insurance industry;

b. The return on an investment in the stock of life insurance companies;

c. The status of the issuer's operations.

C. The offering circular used in connection with the offering under 24D–2644 omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, in that it failed to set forth a contingent liability for sales made in violation of the securities laws of the State of Kansas and the Securities Act of 1933.

D. The issuer and the underwriters of the offering have made untrue statements of material fact in connection with a rescission offer to persons who purchased stock of the issuer under both of the offerings described in Section I above concerning:

1. The number of persons accepting the rescission offer;

2. The reasons for the rescission offer;

3. The potential of the issuer in the insurance business after the rescission offer.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended with respect to both filings made by the issuer under Regulation A as described in section I above:

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 64–12694; Filed, Dec. 10, 1964; 8:46 a.m.]

[File No. 1–4722]

TASTEE FREEZ INDUSTRIES, INC.

Order Suspending Trading

DECEMBER 7, 1964.

The common stock, 67 cents par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 8, 1964, through December 17, 1964, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc, 64–12695; Filed, Dec. 10, 1964; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

ORGANIZATION

Chairman et al.

DECEMBER 4, 1964.

The Interstate Commerce Commission has amended its Organization Minutes, being assignment of work, business, and functions pursuant to section 17 of the Interstate Commerce Act, as amended, issue of March 7, 1961, revised to May 1, 1961 (26 F.R. 4773, 5167, 8434, 10991, 12789; 27 F.R. 1234, 1747, 2500, 3830, 9997; 28 F.R. 198, 896, 8185; and 29 F.R. 3027, 4935, 11401, 12503, 14517, 16846), as follows:

(1) Under the heading Terms, Duties, and Responsibilities of the Chairman, Vice Chairman, and Senior Commissioner Present, Item 3.8 is amended to read:

3.8 He shall be ex officio Chairman of the Committee on Legislation and of the Committee on Rules. He shall appoint a standing Committee and may appoint such ad hoc Committees on Policy and Planning as he may deem necessary to aid him in discharging his responsibilities under Item 3.2(a)(2) of these minutes.

(2) Under the heading Committees of the Commission, Item 5.2 (a), (b), and (c) is deleted.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64–12719; Filed, Dec. 10, 1964; 8:48 a.m.]

[Notice 1091]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 8, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 67303. By order of December 4, 1964, the Transfer Board approved the transfer to Pettapiece Cartage, Limited, Leamington, Ontario, Canada, of the operating rights issued by the Commission January 6, 1960, under Certificate in No. MC 96312, to Pine Tree Cartage Co., a corporation, Detroit, Mich., authorizing the transportation, over irregular routes, of general commodities, except those of unusual value, Class A and B explosives, and household goods, as defined by the Commission, between points within 8 miles of Detroit, Mich., including Detroit. William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich., attorney for applicants.

No. MC–FC 67304. By order of December 4, 1964, the Transfer Board approved the transfer to Baldwin Transfer Co., Inc., Mobile, Ala., of the operating rights in Certificate of Registration No. MC 120722 Sub 1, issued October 17, 1963, to Larry C. Tomlinson, doing business as Baldwin Transfer Company, Mobile, Ala., corresponding to the grant of intrastate authority to transferor issued by the Alabama Public Service Commission in Common Carrier Certificate No. 2312, dated October 20, 1960. Thomas A. Johnston, III, Post Office Box 1652, Mobile, Ala., attorney for applicants.

No. MC–FC 67315. By order of December 4, 1964, the Transfer Board approved the transfer to Reliable Leasing, Inc., New York, N.Y., of Certificate No. MC 15877, issued April 13, 1954, to Alfred Felson, Inc., New York, N.Y., authorizing the transportation, over irregular routes, of piece goods, and women's and infants' wearing apparel, between New York, N.Y., on the one hand, and, on the other, points in Bergen, Hudson, Essex, and Passaic Counties, N.J.; general commodities, excluding household goods and commodities in bulk, between points in New York, N.Y. Bert Collins, 140 Cedar Street, New York 6, N.Y., representative for applicants.

No. MC–FC 67331. By order of December 4, 1964, the Transfer Board approved the transfer to James F. Kelley, Philadelphia, Pa., of the operating rights issued by the Commission October 10, 1949, under Certificate No. MC 16729, to Joseph P. McLaughlin, doing business as McLaughlin Brothers, Philadelphia, Pa., authorizing the transportation of: Household goods, and furniture and fixtures used in billiard parlors, bowling alleys, and retail liquor establishments, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey, Delaware, and New York; and cut flowers, over irregular routes, from Philadelphia, Pa., to Wilmington, Del. John H. Derby, 2122 Cross Road, Glenside, Pa., practitioner for applicants.

No. MC–FC 67358. By order of December 4, 1964, the Transfer Board approved the transfer to G. H. Thomas Trucking Co., a corporation, Cleveland, Ohio, of the claimed grandfather proviso operations for which a Certificate of Registration evidencing a right to engage in interstate or foreign commerce within the State of Ohio, is sought, pursuant to the BOR–99 filing in No. MC 120825 Sub 1, by Virginia V. Thomas, doing business as G. H. Thomas Trucking Co., Cleveland, Ohio, supported by Ohio Certificates Nos. 3408–R and 8476–I. James R. Stiverson, 50 West Broad Street, Columbus, Ohio, attorney for applicants.

No. MC–FC 67361. By order of December 4, 1964, the Transfer Board approved the transfer to M & S Transfer, Incorporated, Osceola, Nebr., of the operating rights in Certificate No. MC 4709, issued October 11, 1941, to Clyde E. Smith, doing business as Osceola Produce Co. Transfer, Osceola, Nebr., authorizing the transportation, over regular routes, of General commodities, excluding household goods, and commodities in bulk, and other specified commodities, between Osceola, Lincoln, and Omaha, Nebr., over specified regular routes. W. W. Norton, Osceola, Nebr., attorney for applicants.

No. MC–FC 67372. By order of December 4, 1964, the Transfer Board approved the transfer to Bertly Aronsen, doing business as Island Empire Bus Lines, 621 Front Street, Mukilteo, Wash., applicant in No. MC 120955 Sub 1, BOR–99 filed in the name of William Affleck, doing business as Anacortes-Mount Vernon Stage Company, 908 Fifth Street, Anacortes, Wash., for certificate of registration to operate in interstate or foreign commerce, authorizing operations under the former second proviso of section 206(a)(1) of the Act, supported by Washington Certificate No. 1, authorizing the transportation of passengers and express between specified points and areas in Washington.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64–12720; Filed, Dec. 10, 1964; 8:48 a.m.]

[S.O. 947; Revised Taylor's Car Distribution Order 1, Amdt. 2]

ALL RAILROADS

Shortage of Freight Cars; Expiration Date

Upon further consideration of Revised Taylor's Car Distribution Order No. 1 and good cause appearing therefor:

It is ordered, That,

Revised Taylor's Car Distribution Order No. 1 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 22, 1964, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 8, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 7, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64–12721; Filed, Dec. 10, 1964; 8:48 a.m.]

[S.O. 947; Revised Taylor's Car Distribution Order 4, Amdt. 1]

BALTIMORE AND OHIO RAIL ROAD CO.

Shortage of Freight Cars; Expiration Date

Upon further consideration of Revised Taylor's Car Distribution Order No. 4 (The Baltimore and Ohio Rail Road Company) and good cause appearing therefor:

It is ordered, That,

Revised Taylor's Car Distribution Order No. 4 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 22, 1964, unless otherwise modified, changed suspended, or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 8, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 7, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64–12722; Filed, Dec. 10, 1964; 8:48 a.m.]

[S.O. 947; Taylor's Car Distribution Order 5, Amdt. 3]

NEW YORK CENTRAL RAILROAD CO.

Shortage of Freight Cars; Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 5 (The New

York Central Railroad Company) and good cause appearing therefor:

It is ordered, That,

Taylor's Car Distribution Order No. 5 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 22, 1964, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 8, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 7, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 64-12723; Filed, Dec. 10, 1964; 8:48 a.m.]

[S.O. 947; Taylor's Car Distribution Order 6, Amdt. 3]

NEW YORK, NEW HAVEN AND HARTFORD RAILROAD CO. ET AL.

Shortage of Freight Cars; Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 6 (The New York, New Haven and Hartford Railroad Company; the Lehigh and Hudson River Railway Company; the Pennsylvania Railroad Company) and good cause appearing therefor:

It is ordered, That,

Taylor's Car Distribution Order No. 6 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., December 22, 1964, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 8, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 7, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 64-12724; Filed, Dec. 10, 1964; 8:48 a.m.]

[S.O. 947; Taylor's Car Distribution Order 7, Amdt. 3]

CENTRAL RAILROAD COMPANY OF NEW JERSEY AND ERIE-LACKAWANNA RAILROAD CO.

Shortage of Freight Cars; Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 7 (The Central Railroad Company of New Jersey; Erie-Lackawanna Railroad Company) and good cause appearing therefor;

It is ordered, That,

Taylor's Car Distribution Order No. 7 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 22, 1964, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 8, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 7, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 64-12725; Filed, Dec. 10, 1964; 8:48 a.m.]

[S.O. 947; Taylor's Car Distribution Order 8, Amdt. 3]

LOUISVILLE AND NASHVILLE RAILROAD CO.

Shortage of Freight Cars; Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 8 (The Louisville and Nashville Railroad Company) and good cause appearing therefor:

It is ordered, That,

Taylor's Car Distribution Order No. 8 be, and its is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 22, 1964, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 8, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 7, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 64-12726; Filed, Dec. 10, 1964; 8:48 a.m.]

[S.O. 947; Revised Taylor's Car Distribution Order 9-A, Amdt. 1]

BALTIMORE AND OHIO RAIL ROAD CO. AND CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Shortage of Freight Cars; Expiration Date

Upon further consideration of Revised Taylor's Car Distribution Order No. 9-A (The Baltimore and Ohio Rail Road Company; Chicago, Rock Island and Pacific Railroad Company) and good cause appearing therefor:

It is ordered, That,

Revised Taylor's Car Distribution Order No. 9-A be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 22, 1964, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 8, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 7, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 64-12727; Filed, Dec. 10, 1964; 8:48 a.m.]

[S.O. 947; Taylor's Car Distribution Order 10-A, Amdt. 3]

NEW YORK CENTRAL RAILROAD CO. AND CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

Shortage of Freight Cars; Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 10-A (The New York Central Railroad Company; Chicago, Milwaukee, St. Paul and Pacific Railroad Company) and good cause appearing therefor:

It is ordered, That,

Taylor's Car Distribution Order No. 10-A be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 22, 1964, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 8, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 7, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 64-12728; Filed, Dec. 10, 1964; 8:48 a.m.]

[S.O. 947; Second Revised Taylor's Car Distribution Order 11, Amdt. 1]

LEHIGH VALLEY RAILROAD CO. AND NORFOLK AND WESTERN RAILWAY CO.

Shortage of Freight Cars; Expiration Date

Upon further consideration of Second Revised Taylor's Car Distribution Order No. 11 (Lehigh Valley Railroad Company; Norfolk and Western Railway Company) and good cause appearing therefor:

It is ordered, That,

Second Revised Taylor's Car Distribution Order No. 11 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 22, 1964, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 8, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 7, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 64-12729; Filed, Dec. 10, 1964; 8:48 a.m.]

[S.O. 947; Taylor's Car Distribution Order 13, Amdt. 3]

PENNSYLVANIA RAILROAD CO. AND CHICAGO AND NORTH WESTERN RAILWAY CO.

Shortage of Freight Cars; Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 13 (The Pennsylvania Railroad Company; Chicago and North Western Railway Company) and good cause appearing therefor:

It is ordered, That,

Taylor's Car Distribution Order No. 13 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 22, 1964, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 8, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the FEDERAL REGISTER.

Issued at Washington, D.C., December 7, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 64-12730; Filed, Dec. 10, 1964; 8:48 a.m.]

[S.O. 947; Taylor's Car Distribution Order 14, Amdt. 3]

PENNSYLVANIA RAILROAD CO. AND ILLINOIS CENTRAL RAILROAD CO.

Shortage of Freight Cars; Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 14 (The Pennsylvania Railroad Company; Illinois Central Railroad Company) and good cause appearing therefor:

It is ordered, That,

Taylor's Car Distribution Order No. 14 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 22, 1964, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 8, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 7, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 64-12731; Filed, Dec. 10, 1964; 8:48 a.m.]

[S.O. 947; Taylor's Car Distribution Order 15, Amdt. 3]

DENVER AND RIO GRANDE WESTERN RAILROAD CO.

Shortage of Freight Cars; Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 15 (The Denver and Rio Grande Western Railroad Company) and good cause appearing therefor:

It is ordered, That,

Taylor's Car Distribution Order No. 15 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 22, 1964, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 8, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 7, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 64-12732; Filed, Dec. 10, 1964; 8:48 a.m.]

[S.O. 947; Taylor's Car Distribution Order 16, Amdt. 3]

MISSOURI PACIFIC RAILROAD CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Shortage of Freight Cars; Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 16 (Missouri Pacific Railroad Company; Chicago, Burlington & Quincy Railroad Company) and good cause appearing therefor:

It is ordered, That,

Taylor's Car Distribution Order No. 16 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 22, 1964, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 8, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 7, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-12733; Filed, Dec. 10, 1964; 8:48 a.m.]

[S.O. 947; Taylor's Car Distribution Order 22, Amdt. 3]

ERIE-LACKAWANNA RAILROAD CO. AND SOO LINE RAILROAD CO.

Shortage of Freight Cars; Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 22 (Erie-Lackawanna Railroad Company; Soo Line Railroad Company) and good cause appearing therefor:

It is ordered, That,

Taylor's Car Distribution Order No. 22 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 22, 1964, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 8, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 7, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-12734; Filed, Dec. 10, 1964; 8:48 a.m.]

[S.O. 947; Taylor's Car Distribution Order 23, Amdt. 3]

ERIE-LACKAWANNA RAILROAD CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Shortage of Freight Cars; Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 23 (Erie-Lackawanna Railroad Company; Chicago, Burlington & Quincy Railroad Company) and good cause appearing therefor:

It is ordered, That,

Taylor's Car Distribution Order No. 23 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 22, 1964, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 8, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 7, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-12735; Filed, Dec. 10, 1964; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 8, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA 39433: *Livestock to points in WTL territory.* Filed by Western Trunk Line Committee, agent (No. A-2384), for interested rail carriers. Rates on livestock, feeder or stocker, in carloads, between points in Wyoming, on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief: Market competition.

Tariff: Supplement 18 to Western Trunk Line Committee, agent, tariff I.C.C. A-4497.

FSA 39434: *Class and commodity rates from or to Hyco and Hyco Junction, N.C.* Filed by O. W. South, Jr., agent (No. A4604), for interested rail carriers. Rates on property moving on class and commodity rates, in carloads and less-than-carloads, from or to Hyco or Hyco Junction, N.C., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: New station and grouping.

FSA 39435: *Baler or binder twine from North Atlantic ports.* Filed by Traffic Executive Association-Eastern Railroads, agent (No. E.R. No. 2754), for interested rail carriers. Rates on baler or binder twine, in carloads, from Boston, Mass., Baltimore, Md., Albany and New York, N.Y., Philadelphia, Pa., Norfolk and Richmond, Va., and ports grouped therewith, to points in official (including Illinois) territory, also points in northern Illinois and southern Wisconsin.

Grounds for relief: Port relationship, short-line distance formula and grouping.

Tariff: Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. C-483.

FSA 39436: *Agricultural implements from Boise, Idaho.* Filed by Union Pacific Railroad Company (No. 125), for itself and interested rail carriers. Rates on potato harvesters, K.D., rotary bedders, K.D., and beaters, K.D., loose or in packages, in carloads, from Boise, Idaho, to points in Colorado and Wyoming.

Grounds for relief: Carrier competition.

Tariff: Supplements 147 and 8 to Union Pacific Railroad Company's tariffs I.C.C. 5332 and 5595, respectively.

FSA No. 39437: *Cinders from Erwinville, La.* Filed by Southwestern Freight Bureau, agent (No. B-8651), for interested rail carriers. Rates on cinders, viz.: coal, clay, shale or slate, in carloads, from Erwinville, La., to points in southern territory.

Grounds for relief: Market competition.

Tariff: Supplement 41 to Southwestern Freight Bureau, agent, tariff I.C.C. 4565.

FSA No. 39438: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 525), for interested real carriers. Rates on tool joint compound, paper articles, and other commodities described in the application, in carloads and tank-car loads, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief: Intrastate rates and maintenance of rates from and to points in other States not subject to the same conditions.

Tariff: Supplement 23 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

FSA No. 39440: *Chemicals from and to points in WTL territory.* Filed by Western Trunk Line Committee, agent (No. A-2383), for interested rail carriers. Rates on chemicals, as described in the application, in carloads and tank-car loads, between points in Wyoming, on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief: Market competition.

Tariff: Supplement 10 to Western Trunk Line Committee, agent, tariff I.C.C. A-4530.

AGGREGATE OF INTERMEDIATES

FSA No. 39439: *Commodities between points in Texas.* Filed Texas-Louisiana Freight Bureau, agent (No. 526), for interested rail carriers. Rates on tool joint compound, paper articles, and other articles described in the application, in carloads and tank-car loads, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 23 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-12718; Filed, Dec. 10, 1964; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.

3 CFR

Page

PROCLAMATIONS:
3630 — 15941
3631 — 16243
EXECUTIVE ORDER:
Mar. 31, 1911 (revoked in part by PLO 3493) — 16859
Dec. 31, 1912 (revoked in part by PLO 3487) — 16829
Sept. 30, 1916 (revoked in part by PLO 3508) — 16864
May 21, 1920 (revoked in part by PLO 3508) — 16864
5289 (revoked in part by PLO 3486) — 16830

4 CFR

51 — 16313
52 — 16313

7 CFR

15 — 16274, 16966
29 — 16854
717 — 16184
719 — 16185
722 — 16248, 16775
724 — 16077
729 — 16185
905 — 16313–16315
907 — 16315, 16907
910 — 16078, 16316
916 — 16966
917 — 16854
929 — 16078
1004 — 16966
1005 — 16855
1421 — 15943
1600 — 16784
1601 — 16784
PROPOSED RULES:
911 — 16258
912 — 16993
915 — 16258
917 — 16993
971 — 16833
1004 — 16994
1005 — 16259
1030 — 16395, 16417
1031 — 16417
1036 — 16197
1044 — 16200
1065 — 16920
1131 — 16866
1126 — 16198

9 CFR

74 — 15943
94 — 16907
97 — 16316

10 CFR

2 — 16831
PROPOSED RULES:
Ch. I — 15957
2 — 16934

12 CFR

217 — 15944, 16317
218 — 16065
224 — 16855
329 — 15944
545 — 16856

13 CFR

Page

107 — 16825, 16946, 16967
121 — 15945
PROPOSED RULES:
107 — 16094

14 CFR

7 — 16149
27 [New] — 16065
29 [New] — 16149
39 [New] — 15945, 16065, 16066, 16317, 16318, 16967
42 — 16968
71 [New] — 15945–15948, 16065, 16066, 16245, 16318, 16788, 16969–16972
73 [New] — 15948, 16184, 16972
75 [New] — 16066, 16319
93 [New] — 15948
97 [New] — 16067, 16789
302 — 16972
389 — 16907
PROPOSED RULES:
39 [New] — 16429, 16430
71 [New] — 15958, 16093, 16202–16204, 16260, 16431, 16833–16835, 16994, 16995, 16997
75 [New] — 16432, 16836
91 [New] — 15959
135 [New] — 16836
221 — 16867

15 CFR

7 — 16973
201 — 16319
365 — 16186

16 CFR

13 — 16186, 16826, 16856

17 CFR

200 — 16187
230 — 16982
239 — 16856
240 — 16245, 16856, 16982
260 — 16982
270 — 16982
275 — 16982
PROPOSED RULES:
15 — 15957
19 — 15957

18 CFR

501 — 16188
502 — 16189
503 — 16189
504 — 16190
505 — 16191
506 — 16192
507 — 16193
508 — 16194
PROPOSED RULES:
12 — 16997

19 CFR

4 — 15949
14 — 16320

20 CFR

395 — 16322

21 CFR

8 — 15949, 16983
9 — 16983

21 CFR—Continued

Page

14 — 16194
15 — 16194
16 — 16194, 16858
17 — 16194
18 — 16194
19 — 16194
20 — 16194
22 — 16194
27 — 16194
29 — 16194
37 — 16194
42 — 16194, 16983
45 — 16194
46 — 16194
51 — 16194
53 — 16194
121 — 16078, 16079, 16249, 16858, 16909–16911
144 — 16984
145 — 16911
148c — 16984
148u — 16911
148x — 16251
PROPOSED RULES:
27 — 16866
31 — 16866
45 — 16994
46 — 16429
53 — 16934
120 — 16935
121 — 16935, 16994

24 CFR

1 — 16280

25 CFR

43d — 16080

26 CFR

Page

1 — 16081
45 — 16083
PROPOSED RULES:
1 — 15957, 16090
48 — 16993

27 CFR

4 — 16984

29 CFR

31 — 16284
689 — 15949
PROPOSED RULES:
601 — 16428
670 — 16428
675 — 16428
720 — 16428

31 CFR

328 — 16914
PROPOSED RULES:
306 — 16330
315 — 16330
316 — 16330
321 — 16330
332 — 16330

32 CFR

517 — 15949
536 — 16985
577 — 16251
701 — 16194
710 — 16055
719 — 16194
804 — 16323